



Appeal Decision

Site visit made on 5 June 2019

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2019

Appeal Ref: APP/F4410/W/19/3225023

Lynbar, Martin Lane, Bawtry, Doncaster DN10 6NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Bramhald against the decision of the Doncaster Metropolitan Borough Council.
 - The application 18/03016/FUL dated 3 December 2018, was refused by notice dated 8 January 2019.
 - The development proposed is described as erection of 4 bedroom detached house with integral garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on (i) the living conditions of occupants of neighbouring properties; and (ii) the character and appearance of the area.

Reasons

Living conditions

3. The proposed development would be located close to the rear elevation of Magnolia House (confirmed by the occupier as formerly known as Fairways) which fronts onto Doncaster Road. The neighbouring property has a first-floor bedroom window facing the appeal site. The window would face onto the proposed development and whilst it would not look directly onto the two-storey side elevation of the proposed property the outlook from the window would be oppressive.
4. Magnolia House has a patio area adjacent the boundary with the appeal site. The position of the proposed development would dominate and overshadow the patio area.
5. The Council have confirmed that the side windows in the host property, Lynbar receive light from other windows to the rear, apart from the second-floor window. No substantive evidence has been provided, in the form of floor plans to confirm this arrangement. Notwithstanding this the location of the proposed development on the site would adversely affect the outlook from the host property.

6. I conclude that the proposed development would unacceptably harm the living conditions of occupants of neighbouring properties.
7. There is conflict with Policy CS14 of the Doncaster Core Strategy 2011-2028 (2012) (the Core Strategy) and Policy PH11 of the Doncaster Unitary Development Plan (1998) (the UDP) and the National Planning Policy Framework (2019) (the Framework) which amongst other things seeks to protect the living conditions of nearby properties.

Character and Appearance

8. The site lies within a residential area comprising predominantly two storey detached and semi-detached properties set back from Martin Lane. The properties vary in terms of materials and appearance with little rhythm to the architectural design.
9. The host property, Lynbar is a narrow 2.5 storey semi-detached property mirroring the attached property, The Elms. The area to the side of Lynbar is larger than the area to the side of The Elms, and would accommodate the proposed development.
10. The appellant has drawn my attention to the neighbouring property No. 2 Martin Lane in terms of footprint, scale and siting within the streetscene. Whilst design and relationship with the adjacent properties differ, I acknowledge the similarities between the proposed development and No. 2. Notwithstanding that each development needs to be considered on its individual merits and circumstances against the relevant policies and taking account of other material considerations. I have reached my conclusion based on the individual merits of the appeal proposal.
11. Whilst Magnolia House has a hipped roof, the modern design of the proposed development would not be out of keeping with the area given the variation in terms of design and scale of neighbouring properties.
12. The proposed development would be marginally closer to Martin Lane than the host property, and whilst closer to Doncaster Road the proposed development would not be dominant or visually intrusive in the streetscene.
13. The proposed development would introduce a built form into a gap between existing properties. Notwithstanding this the loss of spacing between Lynbar and the adjacent property Magnolia House would not harm the spatial character of the area.
14. Mature trees were removed from the site prior to the submission of the planning application. Whilst the Council state that the trees were of value no substantive evidence has been provided to demonstrate how the trees contributed to the area nor that they were protected.
15. Policy CS16 of the Core Strategy supports proposals which would enhance the landscape character of the area, whilst the loss of trees is unfortunate a planning condition could be imposed to ensure appropriate landscaping would be provided which would enhance the site in its existing condition.
16. I conclude that the effect of the proposed development would not harm the character and appearance of the area.

17. There is no conflict with Policies CS1, CS14 and CS16 of the Core Strategy and Policy PH11 of the UDP and the Framework which amongst other things seek to achieve high quality design that contributes to local distinctness and enhances the landscape character.

Other Matters

18. The Appellant has outlined dissatisfaction with the way the application was handled by the Council referring to the lack of discussion relating to the merits of the application prior to the refusal. This does not affect my consideration of the appeal which I have dealt with on its own merits.

Planning Balance

19. I have concluded that there would not be significant harm to the character and appearance of the area and I acknowledge that the proposed development would be in an accessible location and would add to the Borough's housing stock. However, this does not outweigh the harm I have identified in terms of the living conditions on the occupants of neighbouring properties.

Conclusion

20. I note concerns raised by neighbours relating to other issues, however, given my findings on the main issues it has not been necessary for me to reach a conclusion on these matters.
21. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR