



Appeal Decision

Site visit made on 7 July 2020

by **Darren Hendley BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2020

Appeal Ref: APP/F4410/W/20/3249565

206 Cantley Lane, Cantley, Doncaster DN4 6PA

- 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 Laurence McLaughlin, Hughes McLaughlin Homes Ltd. against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref: 19/01644/FUL, dated 5 July 2019, was refused by notice dated 14 November 2019.
 - The development proposed was originally described as "the erection of 4 No. detached houses, 2 detached garages & widening of existing vehicular access."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. Revised plans were submitted during the course of the application so that it concerned the erection of 2 dwellings with 2 detached garages and the widening of the existing vehicular access. Accordingly, I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of the neighbouring properties at 206 and 208 Cantley Lane (Nos 206 and 208) by way of noise and disturbance from the proposed access arrangements.

Reasons

Character and Appearance

4. The part of the appeal site where the proposed dwellings would be located is to the rear of the existing dwellings at Nos 206 and 208. The site contains the majority of their large enclosed rear garden areas. The site boundary extends between these dwellings, and it includes a single garage on the side of No 206 and the driveway access onto Cantley Lane.
5. This side of Cantley Lane comprises a mix of traditional and more modern dwellings that are set out in a linear and ribbon arrangement. They are positioned towards their site frontages and have expansive rear gardens. The plot sizes are generally large and this contributes towards a spacious and open

- character. The access points along the frontages are, for the most part, discretely located amidst boundary vegetation.
6. The Council's Residential Backland and Infill Development: Supplementary Planning Document (Backland and Infill SPD) recognises that in some areas that large gardens are a defining characteristic of the place, usually where frontage development predominates. It goes on to state that in these areas piecemeal backland development will usually be resisted.
 7. This part of Cantley Lane ably demonstrates such characteristics. The contribution that the appeal site makes to this character would be eroded as the proposed layout would result in the dwellings being located to the rear of the existing houses. Hence, they would be well set back from the Cantley Lane frontage and would not accord with the established linear pattern of development.
 8. There would also be some loss of the garden areas to the proposed dwellings and garages, as well as for the access arrangements. As a result, the spacious and open character would also be diminished. In addition, the resultant plot sizes would be smaller than most others in their vicinity, and so they would not be in keeping in this regard.
 9. The particular form of the proposed dwellings within what are varied architectural surroundings would not be unacceptable. Nevertheless, this would not address that the proposal would be at variance with the frontage development and the general loss of the open character of the site. For similar reasons, new tree planting would not satisfactorily overcome the loss of the open attribute of the character.
 10. The Backland and Infill SPD also applies caution over creating gaps between dwellings through access arrangements and states that garages are to be located discretely. The South Yorkshire Residential Design Guide Supplementary Planning Document (2011) (Design Guide SPD) states that views are not to be terminated by garages.
 11. The proposed widened access and the associated removal of the garage, although not resulting in multiple accesses which the Backland and Infill SPD also discourages, would increase the gap between Nos 206 and 208. It would lessen the impression of continuous ribbon type development along this part of Cantley Lane. This would also increase visibility to the rear, in particular the proposed garages. Even with new planting, the view directly down the driveway would lead towards the garages. This aspect of the design would add to the overall harm to the character and appearance.
 12. The dwelling to the rear of 216 Cantley Lane (No 216) that I have been referred to has its own frontage onto Church Lane. Thus, it appears as part of the pattern of development along Church Lane, notwithstanding that the land in question was historically part of No 216. It does not appreciably inform the character of Cantley Lane, unlike where the appeal site is located. The site circumstances are sufficiently different so as not to alter my conclusion.
 13. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. As such, it would not comply in this regard with Policies CS1 and CS14 of the Doncaster Council Core Strategy 2011-2028 (2012) and with Saved Policies ENV53 and PH11 c) of the

Doncaster Unitary Development Plan (1998) (UDP). These policies are concerned with high quality and well designed development that reinforces local distinctiveness and makes a positive contribution to character, the wider visual impact and the effects of backland development. There would not be conflict with Policy PH11 b) of the UDP on this issue as this part of the policy relates to living conditions. However, this does not address the conflict with the other policies.

14. It would also not comply in this respect with the Backland and Infill and the Design Guide SPDs where they are concerned with local character and backland development, gaps in a street frontage, and the location of garages. It would also not accord with the National Planning Policy Framework (Framework) where it relates to safeguarding and improving the environment, and that developments are sympathetic to local character, amongst other considerations.

Living Conditions

15. The proposed shared driveway arrangement would pass close to the side elevation of No 206. The arrangement of rooms in this dwelling results in the openings being positioned on the front and rear elevations. The one side elevation ground floor window I observed on my site visit appeared to be obscured by boarding or similar.
16. The vehicular movements that would be generated would be likely to be modest, based on the number of proposed dwellings and even assuming that both properties would have a number of vehicles. Close boarding fencing is also proposed on the driveway boundaries.
17. When the effective lack of openings on the side of No 206 is also considered, the access arrangements would not lead to an undue level of associated noise and disturbance from vehicles to the habitable rooms on that side of the property. The distance from the driveway to the side of the house would be admittedly less than what is envisaged by the Backland and Infill SPD, but with the likely low level of noise and disturbance, this would not be unacceptable. There would also not be an untoward effect on No 208, with the distance there would be from the side of that property to the shared driveway.
18. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the neighbouring properties at Nos 206 and 208 by way of noise and disturbance from the proposed access arrangements. Therefore, it would comply in this regard with Policies CS1 and CS14 and with Saved Policies PH11 b) and c) where they concern amenity matters, including for neighbours, and the related effects of backland development.
19. It would also comply with the thrust of the Backland and Infill SPD in this respect as the access arrangements would not cause significant nuisance to the neighbouring dwellings. It would also accord with the Framework where it refers to ensuring safe and healthy living conditions, and a high standard of amenity for existing and future users.

Other Matters

20. The proposal would contribute towards housing land supply under the Framework, including the important contribution that small and medium sized sites can make. It would be in an area where people no doubt want to live due

to the attractive nature of the surroundings. The appellant has also cited the importance of housing and accessibility standards. There would also be economic benefits and in terms of environmental measures, these would include tree planting, energy efficiency and bat boxes. With the size of the scheme, though, these benefits would be on a modest scale.

21. The proposal would not be unacceptable by way of garden space provision, and concerning the effect on highway safety and designated heritage assets. It would preserve the setting of the listed Church of St Wilfrid to the rear of the site, in particular as there is an area of mature trees in between. As with the effect on living conditions, these considerations attract neutral weight.
22. The appellant has referred to previous permissions on the site for backland housing development. These were some time ago and I have to consider the effect on the character and appearance of the area and the compliance with the planning system as it is now. I am also mindful that the Framework is clear that achieving well-designed places applies to all locations. There is a need for new development to be sympathetic to local character and this does not favour the proposal for the reasons that I have set out. The Backland and Infill and the Design Guide SPDs, whilst they are not intended to be used prescriptively, also demonstrate the need for development to respect local character.
23. Maintenance issues due to the size of the gardens seems largely to be a personal matter and so it has a limited bearing on my decision, as does whether the proposal would affect the development of adjoining land because this is not before me. With regard to the comments made by consultees to the planning application, I have dealt with the proposal on its planning merits.
24. The proposal would not constitute an efficient use of land under the Framework, due to the concerns that I have identified. The harm that would arise with regard to the character and appearance of the area would be significant. On an overall basis, the benefits that would arise would not outweigh the harm. If the 'tilted balance' under the Framework should apply, as has been suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
25. The Council raised additional concerns in its appeal statement with regard to protected species and the effect on the living conditions of 204 and 210 Cantley Lane. As I am dismissing the appeal on other grounds, I do not have cause to consider these issues further.

Conclusion

26. The harm that would arise to the character and appearance of the area is decisive. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR