



Appeal Decision

Site Visit made on 9 March 2021

by John Dowsett MA, DipURP, DipUD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2021

Appeal Ref: APP/F4410/W/20/3263744

44 Doncaster Road, Bawtry, Doncaster DN10 6NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr G Wilson against Doncaster Metropolitan Borough Council.
 - The application Ref: 20/02359/FUL, is dated 26 August 2020.
 - The development proposed is described as: Erection of detached dwelling and garage.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached dwelling and garage at 44 Doncaster Road, Bawtry, Doncaster DN10 6NF in accordance with the terms of the application, Ref: 20/02359/FUL, dated 26 August 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal has been made against the failure of the Council to give notice of its decision within the statutory time period. Within its statement of case the Council has not set out any putative reasons for refusal, nor has it set out whether it has a position on whether the planning application should be granted or refused. This notwithstanding, from the evidence that has been submitted and from the representations that have been made, both by the Parish Council and by residents of the surrounding area, it appears to me that the principal area of concern relates to the effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site. I have, therefore, taken that as the main issue in this appeal and considered it on that basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site.

Reasons

4. The appeal site forms part of the garden of number 44 Doncaster Road. The property is a semi-detached house located at the junction of Doncaster Road and South Avenue and has an extensive garden area to the side and rear. Also to the rear of the property is a freestanding coach house and outbuilding that extends over the boundary with number 42 (the other half of the semi-detached pair) and provides similar facilities for the adjoining house.
5. The appeal proposal would involve sub-dividing the rear/side garden of the donor property to create a new building plot accessed from a new entrance

onto South Avenue. That half of the coach house and outbuilding which is within the curtilage of number 44 would be demolished to allow the construction of a new, two storey, dwelling with a detached garage to the side. This dwelling would have an L-shaped plan and would be constructed in brick with a tiled, pitched, roof.

Highway safety

6. Doncaster Road is a principal route through the settlement and is subject to a 40 mph speed limit at the point where it passes the appeal site. It has a single carriageway in each direction although the road is wide enough to accommodate a protected right turning lane at its junction with South Avenue. When I visited the site, I observed that Doncaster Road was carrying a light, but regular, flow of traffic. As my site visit took place during a period when there were travel restrictions in force due to the coronavirus pandemic, I accept that the road network would be carrying a lower volume of traffic than it would at other times.
7. South Avenue is a narrower side road that provides access to a residential area to the north and west of the appeal site. In addition to the narrower carriageway, the junction to Doncaster Road has relatively tight entrance radii. This road follows a sinuous route and is subject to a 20 mph speed limit. I saw that there is an access to the grounds of Bawtry Mayflower Primary School located a short distance to the east of the appeal site. I also saw that the wider residential area can also be accessed by vehicles from Doncaster Road via North Avenue, and from Station Road to the east. A small number of vehicles used South Avenue during the time that I was present at the site. The observed vehicle speeds were not high although I noted that vehicles tended to use the centre of the carriageway due to its width. I observed that there were some areas where the grass verges adjacent to the carriageway had been damaged, most likely by vehicles mounting the verge, which indicates that at times of greater vehicle use, there may be instances of conflict between vehicles traveling in opposite directions. However, I have no substantiated evidence of the regularity of such conflicts.
8. The proposed new development would be provided with a driveway and garage to accommodate the parking of vehicles off the highway and a turning area would be provided within the site which would allow vehicles to join the main carriageway in a forward gear. The proposed new access to the site would be formed in a location where it would not conflict with other existing vehicular accesses to South Avenue at numbers 1, 2 and 2A. The submitted drawings illustrate that appropriate visibility for the speed limit of the road can be achieved. Whilst there is a large street tree close to the proposed access point, I saw that, due to the alignment of the carriageway to the east of the proposed access, this would not adversely affect visibility of vehicles approaching from that side and combined with the low vehicle speeds, I am satisfied that acceptable forward visibility can be achieved.
9. Neither party has submitted any evidence in respect of the number of vehicle movements on South Avenue. I recognise that the presence of an access to the primary school will generate additional vehicle movements at drop off and pick up times and that there will be a greater number of vehicle movements during the morning and evening peak hours when residents of the area are travelling to and from work. Nonetheless, South Avenue primarily serves a

residential area and is not a convenient through route for traffic. As a result at most other times there will be fewer vehicle movements. The proposed new dwelling would add a small number of additional vehicle movements onto South Avenue and the surrounding highway network. Although South Avenue has a narrow carriageway, I am mindful that it is not the only access route to either the residential area or the primary school. The carriageway is also of a sufficient width to allow a vehicle to conveniently manoeuvre into and out of the appeal site. In this context, I find that a small number of additional vehicle movements would neither result in a significant increase in congestion on the road network, nor create a situation that would be hazardous to other road users.

10. The National Planning Policy Framework (the Framework) sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
11. In addition to my observations during the site visit, I also note that the Highway Authority have no objections to the proposed development, and I have not been provided with any records of injury accidents on the nearby road network. Non-injury accidents are not routinely recorded by the Highway Authority and, consequently, there is no definitive evidence in respect of whether these occur or with what frequency.
12. The proposed new house would generate some additional vehicles movements in the area. However, adequate access and visibility can be achieved at the appeal site. From what I saw during the site visit, the appeal proposal would not have a significant effect on the operation of South Avenue, or the junction with Doncaster Road, and would not result in conditions that would be inherently unsafe.
13. I therefore conclude that the proposed development would not cause harm to the safe operation of the highway in the vicinity of the appeal site. It would not conflict with the relevant requirements of policy CS14 of the Doncaster Core Strategy 2012 that expects, among other matters, that new development is of a high standard of design that integrates well with its immediate and surrounding area. Nor would it conflict with Policy T1 of the Bawtry Neighbourhood Development Plan 2019 which seeks, amongst other matters, to improve highway safety and minimise traffic congestion. It would also comply with the relevant requirements of the South Yorkshire Residential Design Guide 2011 and the Doncaster Council Residential Backland and Infill Development Supplementary Planning Document, which set out detailed parking and access guidance for new residential development.

Other Matters

14. In addition to the concerns regarding highway safety, local residents have also raised a number of objections to the proposal in respect of the character and appearance of the area, the effect of the proposal on trees, the potential for bats to be using the building to be demolished, concerns in respect of loss of privacy, and disruption during the construction period.

15. My attention has also been drawn to a previous appeal decision¹ in respect of the erection of a single dwelling on the appeal site. This appeal was dismissed for reasons relating to the effects on the living conditions of the occupiers of the donor property (44 Doncaster Road) and insufficient information in respect of bat activity in the area.
16. The appeal proposal has amended the design of the new house to relocate a first floor window that would have resulted in overlooking of habitable rooms to the rear of the donor property. Whilst there would be windows in the side elevation of the projecting rear wing of the new house that would face towards number 2A South Avenue, I saw that the gable wall of this property does not contain any windows. To the rear of this neighbouring property there is a ground floor conservatory extension which has clear glazing in the upper lights of the windows that are visible above the boundary fence. Due to the relative position of the windows in the new dwelling to this conservatory and the narrow width of the high level glazing visible above the fence, there would be little opportunity for direct or casual overlooking from the new dwelling.
17. The appeal proposal was accompanied by a revised Bat Survey Report that included the findings from two emergence surveys. The bat report identified that although the coach house had a moderate level of bat roost potential, no bats were currently using the building as a roost. The Council's ecologist has no objections to the proposal. In the absence of any substantiated evidence to the contrary, I find that the proposal would not adversely affect bats.
18. There are a large number of trees present within the site. The proposed development would result in only one tree being removed to facilitate the construction of the new house. This is a multi-stemmed cherry laurel located near to the gable of the existing coach house. The Arboricultural Report submitted with the application identifies this as a low or average quality tree with low amenity value. From what I saw when I visited the site, I would concur with this assessment and the loss of this tree would have a minimal effect on the appearance of the area. Concern has been raised by residents regarding the large sycamore tree that is within the highway verge outside the site. However, it is not proposed that this tree be removed, and I am satisfied that it does not unduly interfere with visibility from the proposed new access.
19. The surrounding area has a mixed architectural character. On Doncaster Road there are houses in a range of design and styles and of varying ages. The housing on South Avenue and adjoining surrounding streets is more homogeneous in appearance, having generally simple forms and being finished in render above a brickwork base with red tiled roofs.
20. The demolition of the current coach house to facilitate the development would alter the character and appearance of the area. This outbuilding is clearly contemporary with the principal house and has some aesthetic and evidential value as an ancillary building designed and built to serve a large dwelling house, and is illustrative of the earlier use and occupation of the donor property and of the building techniques of the time period. However, the appeal site is not within a conservation area and neither the principal building, nor the coach house is listed. Although the proposal would result in the loss of one half of a symmetrical outbuilding, there are only restricted views of the

¹ Appeal Reference: APP/F4410/W/20/3251188

other section from the public domain and the effect of the demolition on the remaining structure would not be readily noticeable.

21. The proposed new dwelling would be consistent in height and overall form with the surrounding houses and has architectural detailing that has taken cues from the donor property and other houses on Doncaster Road. It would be orientated in relation to the road in a similar manner to other properties in the area. The inspector in the previous appeal for a single dwelling on the site, which was of an essentially similar design, appearance, and siting to that of the current proposal, found that this would not cause harm to the character and appearance of the area. From what I have read and from my observations at the site and in the surrounding area, I have no reason to find differently.
22. With regard to disruption during the construction period, there will inevitably be a degree of disturbance generated by any development project. However, any effects from the construction period would be temporary and the effects of site traffic could be mitigated by a Construction Traffic Management Plan, which could be the subject of a condition.
23. From all that I have read and from what I saw when I visited the site, there is nothing that would indicate that the proposal would conflict with the development plan policies identified by the parties as most important to the determination of the application².

Conditions

24. I have had regard to the list of conditions that has been suggested by the Council and the comments of the appellant. Several the suggested conditions are pre-commencement conditions. The appellant has confirmed in writing that these pre-commencement conditions are acceptable. In the interests of clarity, I have made minor amendments to some of the wording of the conditions where necessary.
25. In order to provide certainty in respect of what has been granted planning permission, I have included a condition specifying the approved drawings.
26. Due to the width and configuration of the highway in the vicinity of the appeal site, the constrained nature of the appeal site itself and the location of the appeal site within an established residential area, it is necessary that the development be regulated by way of a Construction Traffic Management Plan. As the provisions of the Construction Traffic Management Plan would be required to operate for the entire duration of the demolition and construction phases of the approved development, it is necessary that this condition be a pre-commencement condition.
27. As no details of the proposed drainage arrangements have been provided with the application, in order to ensure that the proposed new dwelling has adequate drainage arrangements, it is necessary to require that these be submitted for approval. As the installation of the drainage system would be an early part of the construction works, it is necessary that this condition be a pre-commencement condition.

² Saved Policies PH11 and ENV59 of the Doncaster UDP 1988; Doncaster Core Strategy 2012 - Policies CS1, CS14 and CS16; and Bawtry Neighbourhood Plan 2019 - Policy H1.

28. The existing tree cover on, and in the vicinity of the site, is an important part of the character and appearance of the area and it is necessary to protect those trees on the site that are to be retained as part of the development and those trees adjacent to the site that may be affected by the building works during the construction period. As the tree protection works would be required for the entire duration of the demolition and construction phases of the approved development, it is necessary that this condition be a pre-commencement condition.
29. Similarly, in order to ensure that any works to the retained trees that are required to facilitate the development are carried out to a high standard and to ensure that the retained trees are not damaged by the demolition and construction works, it is necessary to require details of the tree works to be submitted. In order to ensure that the trees are not damaged by the demolition and construction works and that the required tree surgery is carried out prior to these, it is necessary that this be a pre-commencement condition.
30. No details of the services to the site have been provided with the application. Trenches for underground services or overhead service lines have the potential to harm the retained trees and would be required early in the site development process. For these reasons it is necessary that the details of these to be submitted for approval before the development commences.
31. The proposed development requires the demolition of an existing coach house and outbuilding that are present on part of the appeal site. It is clear that both buildings to be removed are part of a larger structure that continues beyond the boundary of the appeal site. The development would result in the truncation of these larger structures. No details of the proposed demolition or reinstatement works have been provided with the application, nor have any details of the structure of these buildings been submitted. In the interests of the appearance of the remaining parts of the buildings and to ensure that the structural integrity of the remaining sections is maintained during and following the demolition works, it is necessary that details of the method of demolition and the required reinstatement and consolidation works be submitted for approval and subsequently implemented. As the demolition would be required at an early stage of the development of the site, it is necessary that this condition be a pre-commencement condition.
32. Details of the materials proposed to be used in the construction of the new dwelling have not been included in the application. In order to ensure that the proposed new dwelling integrates into its surroundings it is necessary to require details of these to be submitted for approval prior to their use.
33. In order to maintain highway safety in the area and ensure that a satisfactory access to the site is provided, it is also necessary to attach conditions requiring that the turning area within the site is constructed, a properly formed footway crossing is constructed, and the required sight lines are accommodated before the new dwelling is brought into use.
34. Whilst no documented potential sources of contamination have been identified at or near the site it is, nonetheless, necessary to include a condition requiring that any unexpected land contamination discovered during the construction period is appropriately dealt with in order to ensure that the final development is suitable for its intended purpose.

35. As the existing coach house building, whilst not in use as a bat roost, has potential opportunities for bat roosting and there is bat activity in the area, in order to ensure that the ecological potential of the site is not diminished, it is necessary to impose a condition requiring that roosting opportunities are provided as part of the fabric of the new dwelling.

Conclusion

36. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. No development shall commence, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by the local planning authority. The plan should contain, but not be limited to, the following information relating to:
 - Volumes and types of construction vehicles;
 - Identification of delivery routes;
 - Identification of agreed access point;
 - Contractors method for controlling construction traffic and adherence to routes;
 - Size, route, and numbers of abnormal loads;
 - Swept path analysis (as required);
 - Temporary signage;
 - Measures to control mud and dust being transferred to the public highway; and
 - Timing of deliveries.

The approved CTMP shall be adhered to throughout the entire construction period for the development.

3. No development, including any works of demolition, shall commence until details of the foul and surface water drainage systems and all related works necessary to drain the site have been submitted to, and approved in writing by, the local planning authority. Thereafter, these works shall be carried out concurrently with the development and the drainage system shall be completed in accordance with the submitted and approved details prior to the first occupation of the development.
4. No development, including any works of demolition, shall commence on the site until a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction has been submitted to, and approved in writing by, the local planning authority. Thereafter, the tree protection measures shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
5. No development, including any works of demolition, shall commence until a schedule of tree surgery work has been submitted to, and approved in writing by, the local planning authority. Best arboricultural practice shall be employed in all work, which shall comply with British Standard BS3998:2010 Tree Works Recommendations and, unless as may be specifically approved in writing by the

local planning authority, all tree work shall be completed before the demolition or development commences.

6. No development, including any works of demolition, shall commence until details of all service trenches and overhead services have been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the local planning authority.
7. No development, including any works of demolition, shall commence until a demolition method statement for the coach house and outbuilding have been submitted to and approved in writing by the local planning authority. The demolition method statement shall include details of working methods and the means of support for the retained parts of the structure during the demolition process. It shall also include details of the reinstatement and consolidation of the resulting gable of the coach house and outbuilding following the demolition of those parts of the structure on the appeal site, and details of the proposed materials and brick bonding pattern. Thereafter, the works shall be fully implemented in complete accordance with the approved details, prior to the commencement of any above ground works in connection with the new dwelling hereby approved.
8. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 019/019/SP/E and Drawing No. 019/019/GP.
9. No construction work above ground level on the dwelling house hereby approved shall take place until details of the proposed external materials have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
10. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.
11. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.
12. Before the development is brought into use, the 2.4 by 45 metre vehicular sight lines as shown on the approved plan shall be provided. The visibility thus provided shall thereafter be maintained as such and kept clear of any obstruction at any height greater than 900mm above ground level, unless otherwise approved in writing by the local planning authority.
13. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme that shall first have been submitted to, and approved in writing by, the local planning authority.
14. Prior to the development being brought into use, details shall be submitted to, and approved in writing by, the local planning authority showing a visibility

splay of 2m x 2m where the new driveway joins the footway. These details shall also show the boundary treatment has been suitably pruned to a height of 900mm to ensure the mouth of the driveway is not obscured. Thereafter, the development shall be implemented in accordance with the approved details prior to first occupation.

15. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the site shall be suspended and a risk assessment carried out and submitted to, and approved in writing by, the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to, and approved in writing by, the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
16. Prior to the first occupation of the site, or an alternative timescale to be approved in writing by the local planning authority, a bat box of the Beaumaris Woodstone type or similar shall be sited on the new dwelling in accordance with the details at section 6.3.2 of the Bat Survey Report (Middleton Bell 18/08/2020), and photographic evidence of its type, location, and orientation on the building shall be submitted to the local planning authority.