



# Appeal Decision

Site visit made on 27 April 2022

**by M Clowes BA (Hons) MCD PGCERT (Arch con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 June 2022**

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**Appeal Ref: APP/F4410/W/21/3288038**

**14 School Lane, Auckley, Doncaster DN9 3JR**

- 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 Andrew Burden against Doncaster Metropolitan Borough Council.
  - The application Ref 19/01563/FUL, is dated 25 June 2019.
  - The development proposed is erection of 4 dwellings.
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## Decision

1. The appeal is dismissed and planning permission for the construction of 4 dwellings is refused.

## Procedural Matters

2. The appeal is against the Council's failure to determine the planning application within the relevant statutory timeframe. However, I have had regard to the Council's statement which provides clarity in terms of the reasons the Council would have refused planning permission for the proposed development, had they been able to do so.
3. The planning application originally proposed 9 dwellings. This was subsequently revised downwards to 4 dwellings, with accompanying plans submitted to reflect this change. I have used the description of development from the appeal form as this more accurately describes the development on which a decision is sought and is agreed by both parties. I have determined the appeal accordingly.

## Main Issues

4. The main issues are the effect of the proposed development upon the character and appearance of the area and the living conditions of neighbouring occupiers, with particular regard to outlook.

## Reasons

### *Character and Appearance*

5. The appeal site relates to a substantial detached 2 storey dwelling set in extensive grounds. It is set well back and at a higher land level than School Lane, where mature planting exists within the front garden and the boundary is delineated by a stone wall with a fence and trellising above. As such, the dwelling is not overtly visible in the street scene.

6. The site is bounded by School Lane and existing residential development on The Hollows. This part of School Lane is characterised by the presence of single storey detached bungalows or small – scale 2 storey dwellings with low boundary walls, mature hedgerows and tree planting contributing to the verdant, spacious and pleasant village character.
7. The principle of residential development on the appeal site is not contested, the site falling within the established built form of the village of Auckley. Based on all that I have seen and read, I have no reason to disagree with this point of view.
8. In views from School Lane, the scale of the proposed frontage dwellings would be significant and plot 1 in particular, would dwarf the small – scale bungalows of 16 and 18 School Lane. Whilst the 2 storey frontage dwellings include a 1.5 storey element that steps down towards the side boundaries of the site, the height, scale and siting forward of the established building line, would nonetheless result in a visually dominant and obtrusive form of development within the street scene.
9. Although hipped, the proposed roofs are particularly large and high compared to surrounding properties. The use of a 1.5 storey element with half dormers, classically inspired porches and corbelling details results in a fussy design for the proposed dwellings. I saw how this would contrast appreciably with the somewhat modestly sized and simply detailed dwellings which surround the site. Consequently, the proposed dwellings would be conspicuous, resulting in visual harm to the appearance of the street scene.
10. Plot 2 is likely to be readily visible in views along the new access, despite the suggested provision of electric gates. This view would emphasise the ‘backland’ nature of the proposed development and that the proposed dwellings to the rear of the site, would not have a road frontage as is typical of surrounding dwellings. As such, the proposed layout would not reflect the prevailing form and pattern of development surrounding the site. The character of the area would be neither complemented nor enhanced as a result.
11. Although the design has evolved through various iterations with a view to finding a solution, for the foregoing reasons in this instance that process has not resulted in a well – designed scheme.
12. Despite my findings in respect of the principle of the development, the specific scale, layout and design of the proposed dwellings would be harmful to the character and appearance of the area. As such the proposal would fail to accord with Policies 41, 42 and 44 of the Doncaster Local Plan (2021) which amongst other things, seek to ensure new development responds positively to its context and integrates visually and functionally with the built environment. The proposal would also fail to comply with paragraph 130 of the Framework, which requires high-quality design that responds to local character and reflects the identity of the surroundings.

### *Living Conditions*

13. The levels of the appeal site are raised above School Lane and all of the neighbouring properties on The Hollows. As a result, there are substantial retaining walls to the shared boundaries with 1, 3 and 5 in particular, as well as but to a lesser degree 11, 15 and 17 The Hollows.

14. The existing dwelling is sited beyond No 1. It's replacement with plot 4 would result in the new dwelling being sited almost directly behind the rear elevation of No 1, albeit perpendicular and at a slightly offset angle to it. Although the hipped roof would slope away from the shared boundary, its height would add to the sense of enclosure already exerted by the high retaining wall and fence.
15. Having reviewed the appeal documentation I agree with the Council that there are discrepancies between the submitted elevations, the site plan and the section drawing, such as to provide uncertainty regarding the exact impact of the proposed dwellings on neighbouring properties. For example, Plot 4 is shown on the street scene drawing at 10.90m FL but 10m FL on the site plan. The exact relationship of plot 4 with No 1 in particular, cannot therefore be determined precisely. Nor, by consequence, can I legitimately resolve that matter via condition.
16. Notwithstanding the discrepancies on the plans, I am of the view that the deep plan form, the tall and dominant roofscape and the close siting of plots 3 and 4 adjacent the boundary with Nos 1, 3 and 5 The Hollows, would result in an overbearing and oppressive form of development atypical of the prevailing nature of the area. These neighbouring properties already have relatively narrow rear gardens which are significantly enclosed by the existing concrete retaining wall and timber fence above. Further development above and close to this boundary would inevitably further reduce the outlook from the rear ground floor habitable rooms of Nos 1, 3 and 5, with Nos 3 and 5 more acutely affected, due to their shallower rear gardens.
17. The proposed dwellings at plots 2 and 3 would be greater than the 21m separation distance advocated in the South Yorkshire Residential Design Guide (2011) from Nos 11, 15 and 17 The Hollows. However, I am mindful that this is guidance. Considering the site specific characteristics, the proposed development would result in 2 storey dwellings backing onto bungalows with windows to habitable living rooms within the rear elevation, at a lower ground level. Whilst the view would change, the outlook from these dwellings is unlikely to be unduly affected given the proposed separation distances.
18. I conclude that the proposed dwellings would have an adverse effect upon the living conditions of the occupiers of 1, 3 and 5 The Hollows, with particular regard to outlook. Therefore, the development proposed conflicts with Policy 44 of the Doncaster Local Plan (2021), which amongst other things seeks to protect existing amenity and prevent unacceptable impacts on neighbouring properties. It would also conflict with paragraph 130 of the Framework, which requires new development to have a high standard of amenity for existing users.

### **Other Matters**

19. The scheme would make efficient use of a site, boost housing provision and entail economic benefits during construction and from future occupants using local services and facilities. However, the benefits of 3 new homes in that respect would inevitably be modest and, in this instance, to the detriment of local character and the living conditions of those nearby.
20. I note that the Council indicate a bat survey would be required, and the lack of objections from statutory consultees. Nevertheless, even if the scheme were to be acceptable in those regards, or to be capable of being made acceptable

through the use of appropriately-worded conditions, that would be effectively neutral in my assessment of the scheme, rather than weighing positively in favour of allowing the appeal. Consequently, no other matters are sufficient to outweigh my reasoning above, namely that the scheme would be unacceptable.

**Conclusion**

21. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations including the Framework, the appeal is dismissed and planning permission is refused.

*M Clowes*

INSPECTOR