



Appeal Decision

Site visit made on 24 May 2022

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 August 2022

Appeal Ref: APP/F4410/W/22/3291631

Land off Fox Lane, Doncaster DN5 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Simon Askew against the decision of Doncaster Council.
- The application Ref 21/01016/FUL, dated 26 March 2021, was refused by notice dated 27 September 2021.
- The application sought planning permission for the erection of a detached dwelling without complying with a condition attached to planning permission Ref 19/00986/FUL dated 12 February 2020.
- The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:*

2782 0101 Rev. H - Received on 11.02.2020

2782 0102 Rev. H - Received on 11.02.2020

2782 0103 Rev. H - Received on 11.02.2020

- The reason given for the condition is: *To ensure that the development is carried out in accordance with the application as approved.*
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Simon Askew against Doncaster Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal proposal seeks to erect a house of a different design to that approved in February 2020. The changes consists of an additional window on the ground floor that would serve the kitchen/dining area and a pair of floor to ceiling openings at first floor level to the sides of the roof terrace.

Main Issue

4. The main issue is whether the disputed condition is necessary having regard to whether the proposed development would preserve or enhance the character or appearance of the Barnburgh Conservation Area (CA).

Reasons

5. The appeal site is situated to the periphery of Barnburgh, a rural village which is on a hilltop location. Although there is no Conservation Area Appraisal for this CA, the varying topography, the narrow lanes and the collection of mainly stone traditionally formed buildings, with features such as small windows and stone boundary walls make a positive contribution to both its special character and appearance. Despite some variation in the built form, these features, as well as the views out over rural and agrarian land use around the village contribute to the distinctly rural character.
6. The proposal would see the introduction of openings to the two-storey outrigger at the rear of the proposed dwelling. Although the extent of the changes from the approved scheme are minor in elevational terms when comparing the approved and proposed plans, they would be sited in a prominent, elevated position serving the roof terrace.
7. Although some concerns have been raised on how representative the Computer Generated Image's are, I was able to observe the appeal site from one such area beyond the fields to the south and individual features such as windows would not be readily apparent. The proposed openings at first floor level would also not be seen from Fox Lane. However, the rear of the appeal property would be visible from private gardens and other land closer to the site. Some of these areas may be outside the CA and the appeal site itself is close to the edge of the CA. Nevertheless, such views from outside the CA do provide a strong link with the appeal site's rural surroundings and contribute to the significance of the CA.
8. The additional floor to ceiling window on the eastern elevation would be at ground floor level and set a short distance from the side boundary. It would therefore be discreetly sited and be of a similar height to the window and door openings on that elevation. As such, I do not consider it would be harmful.
9. The appellant has set out that the appeal proposal represents a positive change and will benefit the significance of the CA. I have been provided with little explanation of why an increase in glazing would be an aesthetic benefit in this instance. The approved dwelling already has a number of large windows, and the proposal would result in a further increase in glazing. I acknowledge that subjective planning matters such as design considerations will require a judgement to be made and that CA status should not stifle individual design flair. In the case of this appeal proposal, the removal of masonry on the upper floor would contrast with the predominantly traditionally formed buildings that have limited size openings and be harmful to the CA.
10. Having regard to the National Planning Policy Framework (the Framework), I consider the proposal would result in less than substantial harm to the CA. However, this does not equate to a minor harm as great weight does need to be given to the asset's conservation. The public benefits of the proposal need to be weighed against this harm according to Policy 37 of the Doncaster Local Plan 2015-2035 (Local Plan) and the Framework
11. The importance of improving the energy efficiency of the building through reduced artificial lighting and reduced heating cost is acknowledged given the effects of climate change. However, from the plans before me, the proposed ground floor window would be to a room already served by a number of large,

glazed openings and there is no substantive evidence that the approved scheme would provide inadequate light internally. Similarly, the first-floor openings would serve a roof terrace which also benefits from a large opening. In this context, the reduction in energy usage would represent a limited public benefit, which would not be sufficient to outweigh the identified harm to the significance of the heritage asset.

12. Given the above, I conclude that the disputed condition is necessary in its current form to preserve the character or appearance of the CA. As such, the proposal would be contrary to Local Plan Policy 37, which seeks, amongst other matters, to ensure that proposals do not detract from the heritage significance of a conservation area by virtue of form or design. It would also be contrary to Paragraph 189 of the Framework insofar as it seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.

Other Matters

13. Reference has been made to the Council's handling of the application, including a reliance on the Conservation Officer's consultation response in coming to a decision. This is addressed in the accompanying costs decision.
14. The proposal would not adversely impact neighbouring residents living conditions. The scale and design, including the materials of the proposed dwelling would remain as approved and the site is not located within the setting of any listed structures. These are neutral matters and not ones which weigh in its favour.
15. The appellant has made reference to an approved planning application on a site that is said to be in a more prominent position on Doncaster Road. I have been provided with limited details of this referenced development, including the location of the site and if it is in a CA. From the information provided, reference is made to that building being a modern suburban house and its circumstances do not appear to be comparable to this appeal development. I can confirm I have dealt with this appeal on its own merits.

Conclusion

16. I have found that the development would conflict with the development plan read as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal is dismissed.

F Rafiq

INSPECTOR