



## Appeal Decision

Site visit made on 16 August 2022

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 23 August 2022**

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**Appeal Ref: APP/F4410/W/22/3297929**

**Land east of Guelder Cottage, West End Road, Norton, Doncaster DN6 9DH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Ms S Peacock against the decision of Doncaster Council.
  - The application Ref 21/02978/OUT, dated 10 January 2022, was refused by notice dated 31 March 2022.
  - The development proposed is the erection of detached dwelling and garage including construction of new access.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of detached dwelling and garage including construction of new access at land east of Guelder Cottage, West End Road, Norton, Doncaster DN6 9DH in accordance with the terms of the application, Ref 21/02978/OUT, dated 10 January 2022, subject to the conditions in the attached schedule.

### Applications for costs

2. An application for costs was made by Ms S Peacock against the Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The application was submitted in outline with all matters reserved for future consideration (including access). I have determined the appeal on this basis, treating supporting plans as illustrative.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

5. The appeal site is an area of land enclosed by a low wooden fence. It sits on the corner of West End Road, one of the main roads through the settlement, and Fir Tree Drive, a small cul de sac. The proposed development would comprise the construction of one dwelling. Although access is a reserved matter, the indicative layout plan shows an access point onto Fir Tree Drive. The appellant has indicated that the proposed dwelling would be two storeys.
6. The site is surrounded by residential properties of a mixed type, style and design. The properties fronting onto West End Road in the vicinity of the site occupy plots of various sizes, although they generally have quite modest front

gardens, a number of which include hard surfaced areas and a boundary wall adjacent to the pavement. Fir Tree Drive has a more uniform streetscape, comprising mainly semi-detached and detached bungalows. The property at the entrance to Fir Tree Drive opposite the site is a two storey detached dwelling enclosed by a stone wall.

7. The site does provide an open relief among the built form in the vicinity, but this in itself is uncharacteristic. The proposal would introduce a new dwelling and associated features on a site that is presently essentially open, which would inevitably alter its appearance.
8. However, while the open nature of the site is apparent when viewed from Fir Tree Drive, it is only clearly discernible from West End Road when in relatively close proximity. This is due to the screening effect of the built form fronting onto the road and the context in which the site is viewed, which is mainly against the backdrop of existing built development. The site does not therefore play an active role in the character and appearance of the area beyond the immediate vicinity. Thus, while the site may be undeveloped and therefore provides a degree of openness between the built development, it is not a significant visual gap in terms of making a positive contribution to the character and appearance of the area.
9. I am mindful of the indicative scale and layout of the dwelling shown on the submitted plans, but the appellant is not bound by this given that these matters are reserved for future consideration. Nonetheless, although the proposal would change the site's visual appearance, the plot's size could accommodate a dwelling that respects the siting, scale, massing and appearance found in the surrounding area. With careful siting of the dwelling, this would include space for a garden bordering West End Road, which would help maintain the open aspect fronting onto the streetscape when viewed from certain nearby vantage points.
10. The properties on Fir Tree Drive are bungalows. However, a two storey dwelling would be in keeping with the scale of much of the development in the vicinity of the site, including that fronting onto West End Road and the property at the entrance to Fir Tree Drive opposite.
11. I am therefore satisfied that a new dwelling could be built on the site that would integrate with its surroundings and respect the character and appearance of the area.
12. Reference has been made to the plot of land being originally designated as an open green area. The submitted information highlights that previous applications for a dwelling at the site have been refused permission due to the effect on visual amenity through the loss of open space.
13. From the submitted information, it is not possible to conclude with any certainty that the site was intended as a landscaped area associated with the adjacent housing development. Furthermore, the policy context has materially changed since the previous applications were considered, with the adoption of the 2021 Doncaster Local Plan 2015 – 2035 (the Local Plan). The site is within a Residential Policy Area as defined in Policy 10 of the Local Plan, where new residential development will be supported, subject to certain criteria being met.

14. In addition, the submitted information highlights that the site was considered for allocation as local green space as part of the evidence base exercise supporting the Local Plan preparation, but was not of the required significance. The Council appears to be satisfied that the requirements of Policy 27 of the Local Plan relating to the protection of open space do not apply to the site. There is no substantive evidence before me that would persuade me to take a different view.
15. I therefore conclude that the proposed development would not harm the character and appearance of the area. Consequently, it would accord with the requirements of Policies 41A and 42B.2 of the Local Plan. Amongst other matters, these policies require development to recognise and reinforce character and local distinctiveness and integrate with the surrounding area.

### **Other Matters**

16. The site lies within Flood Zone 1, which is at low risk of flooding. Appropriate measures can be put in place to manage surface water and drainage to ensure that there would be no unacceptable increase in flood risk.
17. The detailed access information would be assessed at reserved matters stage. However, given the scale of development and based on the submitted information and plans, there is no clear evidence to suggest that there would be an unacceptable impact on highway safety in terms of additional traffic generation or visibility for entering and leaving the driveway at 4 Fir Tree Drive or the junction of the drive with West End Road. There is also no clear evidence to suggest that the proposed development would give rise to an unacceptable increase in on-street parking, given that the illustrative plan indicates that there would be scope for the required number of on-site parking spaces.
18. The scale, appearance and layout of the dwelling would be assessed at a future stage. Having considered the size of the site and its relationship with adjacent properties, there is no reason why a dwelling with an appropriate design and layout could not sit comfortably within the plot without causing significant harm to neighbouring residents in terms of privacy, outlook and light. While noting that the adjacent Guelder Cottage is a relatively modest two storey dwelling, there is no evidence to suggest that an acceptable design could not be achieved which fully respects this property.
19. I appreciate the concerns about the implications that the proposal may have for future development at the neighbouring property. However, based on the submitted evidence, this would appear to be a theoretical possibility rather than a definite proposal, and as such I give it only limited weight. The location of any garage at the site would be assessed at a future stage.

### **Conditions**

20. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
21. In the interests of certainty, relevant conditions concerning the timescales for the commencement of development, the submission of the reserved matters and the approved plans are necessary.

22. To ensure that the site is connected to suitable drainage systems, details of the discharge of surface and foul water and land drainage are required. These details are required prior to commencement of development to ensure that the relevant details are acceptable and compliance with their requirements at a later time could result in unacceptable harm.
23. In the interests of biodiversity, a condition is necessary to require an ecological enhancement plan. In the interests of human health and the environment, a condition is necessary to address potential contamination. To prevent the over development of the site, a condition is necessary to restrict the development to no more than one dwelling.

**Conclusion**

24. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

*F Wilkinson*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) Details of the access, layout, scale, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan - Received 10th February 2022.
- 4) The development hereby permitted shall not be begun until details of the foul, surface water and land drainage systems (based on sustainable drainage principles (SuDS)) and all related works necessary to drain the site have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out concurrently with the development hereby permitted and the drainage system shall be operating in accordance with the approved details prior to the first occupation of the development, and retained thereafter.
- 5) On submission of reserved matters, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the development or an alternative timescale to be approved in writing by the Local Planning Authority and retained thereafter:
  - a scheme of native species shrub planting in appropriate locations within the final site layout; and
  - the provision of two woodcrete bird nest boxes integrated into the walls or attached externally to the dwelling with the type, location and orientation specified by a suitably qualified ecologist.
- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority and all associated works shall cease. Development on the part of the site affected 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.
- 7) The development shall comprise no more than one dwellinghouse or residential unit.