



Appeal Decision

Site visit made on 17 January 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/F4410/W/22/3306572

154 Bawtry Road, Bessacarr, Doncaster DN4 7BT

- 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 K. Taylor & Mr N. Robson against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/02415/FUL, dated 2 September 2020, was refused by notice dated 24 June 2022.
 - The development proposed is described as 'erection of two detached houses to the rear of 154 and 156 Bawtry Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was amended prior to determination to reduce the number of proposed dwellings to two from three as was originally sought. Therefore, in the interests of accuracy, I have used the description of development as shown on the appeal form.
3. The Doncaster Local Plan (2022) (the LP) was adopted during the period of the determination of the application. The Council references the newly adopted LP in its decision notice. I have determined the appeal on the basis of the most up-to-date policies.

Main Issue

4. The main issue is whether the location of the proposed development is acceptable having regard to the development plan policies.

Reasons

5. The appeal proposal would involve the construction of two dwellings within the rear gardens of adjacent residential properties. Both parties agree that the appeal proposal represents backland development as set out at paragraph 3.2.1 of the Doncaster Transitional Developer Guidance (2022). Having regard to the above, I see no reason to disagree with this assessment.
6. Policy 44. C) of the LP relates to backland development. Whilst providing the circumstances where backland development would be acceptable, namely where it minimises the loss of rear gardens due to the need to maintain local character, amenity, garden space, green infrastructure and biodiversity. The Policy also sets out that '*the prevailing character of parts of Bessacarr,*

Sprotbrough and Thorne Road at Edenthorpe, as defined on the Policies Map, will be protected from further backland and tandem development’.

7. The justification to the Policy states that these areas exhibit a '*special environmental character, due to a relatively low-density form of development comprising mainly larger properties with extensive gardens, often with mature trees*'. The justification also notes that these areas have come under pressure for redevelopment through tandem and backland development in recent years.
8. The appeal site lies within the area subject to protection by Policy 44. C) as set out on the Policies Map. The appeal site comprises of 154 and 156 Bawtry Road, both of which are substantial properties with extensive gardens containing mature trees and hedges, some of which form the boundary between them. As such, they are consistent with the low-density development that characterises this part of Bawtry Road and indicative of the special environmental character of parts of Bessacarr referred to in Policy 44. C, for which protection is sought.
9. The proposed backland development would consist of two detached dwellings, each with a double garage. The site would be accessed via a new 5.5 metres wide road running between the two properties incorporating a turning area, driveways and parking areas. As a result, a significant portion of the extensive gardens would be taken up by the access road, parking, substantial driveways, garages and the dwellings themselves. Comparatively little garden space would remain, to the detriment of the special environmental character of the area.
10. The proposal would also involve the removal of the majority of mature trees that currently form the boundary between No 154 and No 156. The appellant's tree survey sets out that 25 trees would be removed, and of those, 11 have been identified as requiring removal due to their condition. Although I accept that the replacement trees would be species that are more preferable to the Council's Tree Officer, these would take some time to establish and contribute to the special environmental character in the manner of the existing trees.
11. The proposed dwellings would have relatively small gardens, at 12 metres and 10.5 metres, significantly below the typical garden size for this part of Bawtry Road and Bessacarr. Moreover, the presence of backland development would be evident from Bawtry Road as a result of the new wide access road with views along it. Parts of the development would also likely be visible in the gaps between the semi-detached dwellings on Broughton Road, further evidencing the presence of backland development in conflict with the prevailing character.
12. Whilst I have had regard to the presence of an extant approval for a new dwelling to the rear of 150 Bawtry Road and an existing dwelling at the end of this group at 158 Bawtry Road, the overriding character of this part of Bessacarr is of large dwellings with long plots. Moreover, these examples were originally approved before the adoption of the LP. In this regard I would note that such developments have been identified as a threat to the special environmental character of the area, hence the protection from further backland and tandem development in the new and up-to-date LP.
13. In conclusion, the proposal would constitute backland development that would significantly reduce the extent of green space and erode the special environmental character of the area. As such, the proposal would conflict with

Policy 44. C) of the LP which seeks to protect this part of Bessacarr from further backland or tandem development.

Other Matters

14. The appeal site lies within the Bessacarr Conservation Area (CA). Whilst not forming part of the Council's reason for refusal, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
15. The special interest of the CA is that of a residential suburb of early Twentieth Century origin. As set out in the Bessacarr Conservation Area Development Control Guide (2005) the significance of the CA arises in part from its substantial dwellings on large plots, well planted with trees with a consistent building line. The plots typically extend back a considerable distance from the frontage giving a verdant and spacious feel to the streetscene. This is reinforced by the assessment of the Council's Design and Conservation Section. Whilst I have had regard to the extant approval for a new dwelling to the rear of 150 Bawtry Road and an existing dwelling at the end of this group at 158 Bawtry Road, the overriding character of the CA remains of large dwellings with long plots.
16. As set out above, the appeal proposal would intrude significantly into the extensive gardens, introducing large areas of hardstanding and double garages, in addition to the two dwellings. The dwellings would appear incongruous, set back well beyond the building line and would result in the loss of mature trees and green space. The evidence of incongruous backland development would consist of the presence of the wide access road, views along it and views into the CA from Broughton Road.
17. For the above reasons I conclude that the proposal would represent an incongruous form of development, that would be at odds with the prevailing character. For these reasons the proposal would fail to preserve or enhance the character or appearance of the CA and would amount to less than substantial harm as set out in paragraph 202 of the National Planning Policy Framework.
18. Section 72(1) of the Act¹ requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
19. In terms of public benefits, the proposal would result in the provision of an additional two dwellings which help to contribute to housing supply. Minor economic benefits would arise from the development and occupation of the houses, whilst there would also be minor benefits in terms of supporting local services. There would also be some visual and ecological benefit from the planting of hedgerows and landscaping, however given the scale and nature of the site, nothing I have seen or read has led me to believe that these would amount to any more than limited benefits of the scheme.
20. Taken together these comparatively minor benefits would not be outweighed by the significant harm to the character and appearance of the CA that I have found above. The proposal would therefore conflict with Policy 37 of the LP which seeks to ensure proposals preserve the heritage significance of a

¹ Planning (Listed Buildings and Conservation Areas) Act 1990.

conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features. The Policy goes on to state that harm to a conservation area will be refused unless it is outweighed by public benefits.

21. I sympathise with the appellant with regard to the change in policy circumstances during the course of the application. However, my role is to determine the appeal on the basis of the most up-to-date policies, in this case the newly adopted LP, which was adopted following the most recent revision to the Framework.

Planning Balance

22. I note that the appeal site is in an accessible location, that the materials would be reflective of the character of the area, and that the proposal would preserve the living conditions of neighbouring occupiers. I also note that there were no objections from statutory consultees in respect of highways, drainage and environmental health. Nonetheless, these are neutral matters in the overall balance.
23. Whilst the Framework refers to boosting significantly the supply of housing, the provision of two additional units would make little meaningful difference. Similarly, the proposal would lead to some minor economic benefits through the construction and occupation of the dwellings, however, these would be limited by the small scale of the proposal. There would also be some visual and ecological benefit from the planting of hedgerows, however, given the scale and nature of the site, these are also limited benefits.
24. None of these benefits in isolation or collectively would outweigh the conflict with the policies in the development plan when read as a whole. As such there are no material considerations, including the approach in the Framework, to justify making a decision other than in accordance with the development plan.

Conclusion

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

Paul Martinson

INSPECTOR