



Appeal Decision

Site visit made on 18 April 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/F4410/W/22/3301541

18 Adwick Road, Mexborough, Doncaster S64 0DB

- 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 F2 Properties Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/00117/FUL, dated 17 January 2022, was refused by notice dated 19 May 2022.
 - The development proposed is described as 'change of use of ground floor from dwelling to 2No. retail units, retention of dwelling at first floor with new access to the rear via reconfigured staircase and retention of existing retail unit'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following adoption of the Doncaster Local Plan 2015-2035 (Local Plan) in 2021, the South Yorkshire Residential Design Guide 2011 (SYRDG), was revoked. While reference is made within the decision and various appeal statements to the SYRDG, the Council has confirmed that this should be treated as informal guidance only.
3. With this appeal, the appellant has submitted Drawing 3751-02C, titled 'Proposed'. As this information provides clarification on the dimensions of the access and car park rather than changing the proposal, and all parties have had the opportunity to comment on this through the appeal process, I do not consider that any interests would be prejudiced if I take this information into account. I have therefore determined this appeal on the basis of the additional information.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - highway safety;
 - the living conditions of neighbouring occupants with specific regard to noise, disturbance and privacy; and
 - the character of the area.

Reasons

Highway safety

5. The appeal site consists of a single-storey shop/café which is attached to a two-storey detached dwelling. The properties have a small car park and garage area at the rear which is accessed along a narrow side lane. Parking restrictions exist to the eastern side of Adwick Road and the junctions with College Road and Genoa Street. Some on-street parking exists to the west side of Adwick Road and along College Road.
6. The proposal would convert the ground floor of the house into two retail units and convert the first floor of the house into a self-contained flat. The rear car park would be reconfigured to provide the parking requirements for the proposal.
7. The main parties have agreed the number of parking spaces required to serve the proposal and I see no reason to disagree with this. However, I do consider that the frequency of short-term visits (by customers and deliveries) to and from the proposed two retail units and flat would be significantly higher than that produced by a residential dwelling of this size. No compelling evidence to demonstrate that this would not be the case has been provided. This increase in frequency of car visits would intensify the use of the existing car park and access. While the existing car park may be currently underutilised and have spare capacity, the proposal would still significantly increase the vehicle movements into and out of the car park compared to the existing situation.
8. As I observed during my visit, the existing access to the car park and the space at its junction with Adwick Road are very narrow and prevent vehicles entering and leaving from passing one another. Furthermore, from both Adwick Road and the car park, there are limited sight lines available for drivers of vehicles to see if the access along the side of the property is clear. It is therefore probable that there is a risk of vehicles entering the access from Adwick Road being blocked by those leaving the car park. In these circumstances, this would result in vehicles potentially having to stop on the road to allow others to exit or, where they meet along the access, for vehicles to have to reverse either back onto the road or into the car park to allow vehicles to pass. These types of manoeuvres would result in the potential risk of vehicle collisions either on the road or along the access and blocking the flow of traffic.
9. As the proposal would increase the frequency of use of the access, this would significantly increase the risk of vehicle conflict. No substantive evidence to the contrary, or an alternative and safer access arrangement, has been presented. The proposal would therefore cause an unacceptable increase in the risk posed to highway safety to vehicle users on the road and access from the proposal.
10. I acknowledged that the appeal site is in an urban location and would probably serve the local community which would encourage potential alternative forms of transport such as travelling by foot or public transport. It is also appreciated that some parking is available on Adwick Road and College Road. However, little evidence has been presented to show that these aspects would remove the need or use of the proposed car park spaces, especially as the car park would be seen as more convenient by customers of the proposed retail units. On this basis, they would not remove the increased highway safety risk that I have found.

11. In relation to the car park, Drawing 3751-02C does not detail sufficient dimensions to demonstrate that the agreed number of spaces could be accommodated. The drawing also does not show if there would be adequate room for vehicles to manoeuvre into and out of the provided spaces without conflicting or colliding with other vehicles or pedestrians. It is therefore not possible to confirm that the required parking spaces would be provided to mitigate highway impacts caused by additional vehicles parking on the highway or that the layout would allow safe use of the car park.
12. I noted that there would be a disabled parking space to the front of the retail units and the Council raised no specific concerns regarding this as it is similar to the betting shop's front parking space. However, while this space may be acceptable, it would not reduce the proposal's increased use of the car park and the risk to highway safety I have found.
13. In conclusion of the above, the proposed development would lead to unacceptable harm to highway safety. The proposal would therefore be contrary to part A of Policy 13 of the Local Plan and paragraph 111 and 112(c) of the Framework. These policies seek, amongst other matters, to promote road safety for all.

Living conditions

14. The residential bungalow at 26 Adwick Road (No 26) has a shared side boundary with the appeal site. A relatively low fence which can be overlooked runs along this boundary. The bungalow sits very close to this boundary and a number of windows face the appeal site's car park access. It is indicated by the Council that these windows serve habitable rooms and the appellant has not disputed this.
15. As detailed previously, the proposal would intensify use of the car park and access. It would also increase the number and frequency of visitors who would move between the car park and the front of the retail units. This increase in vehicle and pedestrian movements would increase noise, disturbance and overlooking to No 26 and harm the occupants' living conditions.
16. The increased use of the car park would also increase noise and disturbance to the gardens of 31 Glen View (No 31) and 2 Genoa Street (No 2) which are located directly adjacent to the eastern fenced boundary of the car park. This would harm these occupants' living conditions.
17. Due to their side orientation, boundary fencing and landscape treatments, privacy of the neighbouring occupants of No 31 and No 2 would not be adversely affected by the proposal.
18. Doncaster Council's Environmental Health team did not raise any comments regarding the proposal. However, the absence of these does not in itself render the scheme acceptable.
19. In conclusion of this issue, the proposal would adversely affect the living conditions of neighbouring occupants at No 2, No 26 and No 31 with specific regard to noise and disturbance. It would also adversely affect No 26's privacy. This would be contrary to Policies 10 and 46 of the Local Plan and paragraph 130(f) of the Framework which seek, amongst other matters, to help protect and enhance the qualities of the existing area and prevent unacceptable loss of residential amenity.

20. The Council refers to paragraph 124 of the Framework in its reason for refusal. However, this policy relates to achieving appropriate density and not to amenity. Therefore, it weighs neither for or against the scheme in relation to this main issue.

Character

21. The appeal site is located in a predominantly residential area. It sits in a short row of small local businesses including the appeal site's shop/café, a Co-op Food Store, a betting shop and a nursery. Due to some residential property separation between the businesses, the commercial frontage is not continuous and, with its small scale and mixed uses, it is not an overly dominant or busy part of the residential area. At the time of my visit, which I appreciate is only a snapshot in time, there was little evidence of visitor disturbance to residents or vehicles being parked on Adwick Road and College Street.
22. On their own the proposed two retail units would be a modest addition however, in conjunction with the existing row of businesses, they would significantly extend the existing commercial frontage. The proposal would also significantly increase visitors' comings and goings with an associated increased disturbance to nearby residents. Little substantive evidence to show that the proposal would not adversely affect the character of the area, or that there is a local need for it, has been provided.
23. The proposal's flat would not significantly change the existing residential use of the appeal site, however this does not address the unacceptable harm which I have found would result from the proposed retail units.
24. In conclusion of this matter, the proposal would adversely affect the character of the area and would be contrary to Policy 41 and 42 of the Local Plan and paragraph 124 of the Framework. These seek, amongst other matters, for development to be to a high-quality design that respects and enhances identity, character and local distinctiveness.

Other Matters

25. It is advised that due to anti-social behaviour from customers of the betting shop, residential letting of the property is not viable and an alternative use is required. Representations have been made regarding this to the Council. However, there is little evidence to demonstrate that there are anti-social behaviour relating to the betting shop or that the proposal is the only viable use for the property.
26. The use of a planning condition to protect the amenity of the surrounding residential occupants and the vitality and viability of the immediate area is proposed by the appellant. However, details of the condition and wording have not been provided. I am therefore not persuaded that this would be an appropriate way of making the development acceptable.
27. There is support for the proposal from the current occupier of the café. However, there is no compelling evidence that their operation, including help for the elderly, would be prevented if the appeal were dismissed or that the appeal site is the only option to expand.
28. The Council's handling of the application is outside the scope of my decision.

Conclusion

29. The proposal would conflict with the development plan when read as whole. Material considerations including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR