



## Appeal Decision

Site visit made on 15 August 2023 by Tom Bennett BA(Hons) MSc

**Decision by Chris Forrett MRTPI, DipTP, BSc (Hons)**

an Inspector appointed by the Secretary of State

**Decision date: 18 October 2023**

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**Appeal Ref: APP/F4410/W/23/3318355**

**Land between 2 and 2B Devonshire Road, Intake, Doncaster, South Yorkshire DN2 6LA**

- 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 R Sanders & S Parkinson against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/02432/FUL, dated 3 November 2022, was refused by notice dated 23 December 2022.
  - The development proposed is a detached dwelling including associated external works.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. The appellant has submitted an amended plan with the appeal documentation which details significant revisions to the form of the proposed dwelling and curtilage boundary. I have been provided with no evidence that shows the Council has had sight of these amended plans. I have therefore carefully considered the implications of accepting these plans in the light of the '*Procedural Guide – Planning Appeals – England*', and the principles of the '*Wheatcroft*' judgement.
4. The Procedural Guide advises that an amendment to planning application proposals to overcome a local planning authority's reasons for refusal should normally be made through a fresh planning application, and the appeal process should not be used to evolve a scheme. The guide continues by stating that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. With regards the '*Wheatcroft*' judgement, the main criterion on which consideration of revised plans should be exercised is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
6. In this instance, the proposed revisions are seeking to address the issues upon which the Council based its decision on at the application stage in respect of

the character and appearance of the area and in respect of living conditions with regards to overlooking. As such, it is evident that the appellant has sought to evolve the proposed development through the appeal process, thus depriving the Council and interested parties of the opportunity to formally consider the revisions. Consequently, I have determined this appeal on the basis of the initial plans submitted with the original application and have not taken into account the revised plans in the determination of the appeal.

### **Main Issues**

7. The main issues are the effect of the proposed development on:
- the character and appearance of the street scene; and
  - the living conditions of the neighbouring occupiers at 228 Sandringham Road and future occupiers of the dwelling with regard to privacy.

### **Reasons for the Recommendation**

#### *Character and Appearance*

8. The appeal site is a strip of vacant land in the curtilage of 228 Sandringham Road. The site faces onto Devonshire Road close to the junction with Sandringham Road. To the north-west are a pair of semi-detached bungalows and to the south-east is an end terraced property. The properties on this road are predominantly two-storey semi-detached and terraced properties set within spacious plots of a relatively uniform design. Roofscapes are characterised by hipped or gable roof forms.
9. The proposed house would be a detached three-storey dwelling. Whilst detached properties are not the prevailing house type in the area, there is a detached building sited opposite the appeal site and a new detached property on Sandringham Road (No. 237A), visible in views from the appeal site. Thus, whilst it would be a break in the type of built form on the eastern side of Devonshire Road, I do find it would not be harmful within the context of the wider area.
10. While the dwelling would be three storeys in height, owing to its roof design, the ridge height of the roof would only be marginally higher than that of the adjacent property, 2 Devonshire Road. It would maintain the consistent setback from the road as the neighbouring properties. Despite the proposed dwelling almost spanning the full width of the plot, a reasonable gap would still exist between the neighbouring properties on Devonshire Road, thereby maintaining the spacious character of the area. Taking these points together, the dwelling would not appear overbearing or cramped.
11. However, the proposed dwelling features a primarily flat roof with pitched slopes to the front and rear elevations. Given the proposed dwelling's close proximity to the junction and with the neighbouring semi-detached bungalows, the side elevation of the roof form would be highly visible and unduly prominent from public viewpoints. Compared to the otherwise regular roofscapes of the surrounding area, the proposed roof form would appear as an incongruous and discordant feature.

12. For this reason, the proposal does not respond positively to the character and appearance of the area and would fail to integrate well with its surroundings. It therefore conflicts with Policy 41 and Policy 44 of the Doncaster Local Plan (2021) (LP) which amongst other matters requires proposals to integrate visually with their surroundings and be sympathetic to the character of the area. It would also be at odds with the overarching design aims of the National Planning Policy Framework (the Framework).

### *Living Conditions*

13. The Council has expressed concern over the relationship between the proposed dwelling and No.228 in respect of overlooking. The rear elevation of the proposed dwelling would be approximately 9 metres to the west of the rear elevation of No. 228. Consequently, the windows of the proposed study and second floor bedroom would afford future occupiers views into the relatively deep and wide bedroom window at the rear of No. 228. Equally, the occupiers of No. 228 would also have views into these rooms of the proposed dwelling. This could result in unsatisfactory living conditions for both future occupiers of the proposed dwelling and the existing occupiers of No. 228.
14. I have carefully considered the Appellant's suggestion of a condition to obscure the first floor rear window of the proposed dwelling. Given that this window serves a study and is too small for a bedroom, when considered against technical space standards, I agree that this would overcome any potential overlooking from this window. Additionally, a condition to obscure glaze the second floor rear bedroom window would be possible as this is a secondary window in this room. Together, this would mitigate against the issue of overlooking from the new dwelling.
15. However, notwithstanding the above, the first floor window of No. 228 would be situated in close proximity to the shared boundary of the appeal site. This would provide an opportunity for direct overlooking into a significant proportion of the rear garden of the proposed dwelling, adversely affecting the privacy of its future occupiers. Ultimately, the future occupants of the new dwelling would not be provided with suitable living conditions owing to this level of overlooking.
16. For the reasons outlined, the proposal would not provide suitable living conditions for the future occupiers of the proposed dwelling. This would conflict with Policies 10 and 44 of the LP which aims to ensure new development has acceptable levels of residential amenity, including privacy. The proposal would also fail to accord with the advice set out at Paragraph 130f of the Framework that new development should provide for a high level of living conditions for future users.

### **Other Matters**

17. I acknowledge the use of brick and render similar to surrounding properties, the sustainable location, the size of the internal living space, the storage and collection of refuse facilities and that the plot would be demarcated by fencing. However, these factors would not overcome the harm identified and the conflict with the overarching aims of Policy 41 and 44 of the LP in relation to character and appearance.

18. Finally, any issues in relation to communication difficulties with the Council is a separate matter away from the planning merits of this appeal. I therefore attach little weight to this.

**Conclusion and Recommendation**

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Tom Bennett*

APPEAL PLANNING OFFICER

**Inspector's Decision**

20. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*Chris Forrett*

INSPECTOR