



Appeal Decision

Site visit made on 3 April 2018

by **Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 May 2018

Appeal Ref: **APP/B3030/W/18/3193373**

Little Hollies, The Close, Averham, NG23 5RP

- 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 & Mrs D Burke against the decision of Newark & Sherwood District Council.
 - The application Ref 17/01193/FUL, dated 10 July 2017, was refused by notice dated 11 December 2017.
 - The development proposed is demolition of garage and creation of five bedroom house with detached double garage, formation of new driveway for the existing dwelling, Little Hollies.
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Decision

1. The appeal is allowed. Planning permission is granted for demolition of garage and creation of five bedroom house with detached double garage, formation of new driveway for the existing dwelling, Little Hollies at Little Hollies, The Close, Averham NG23 5RP in accordance with the terms of the application Ref: 17/01193/FUL dated 10 July 2017 subject to the conditions set out within the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of neighbouring residents having regard to the potential effect on light and outlook.

Reasons

Character and appearance

3. The appeal site forms the side garden to 'Little Hollies'. It lies within the built-up area of Averham, within the settlement boundary, is dotted with trees, and is largely overgrown with vegetation. The site currently has an extant planning permission for a three bedroom dwelling that was granted on appeal (APP/B3030/W/16/3158075). The principle of development has been established by the extant consent and with no reason to doubt that this fallback position would otherwise be built, I give it considerable weight.
4. In addressing the matter of character and appearance, there is no overall style of building or layout and the immediate locality has a generally sporadic character and appearance, with various dwelling styles and designs.

5. The dwelling would be orientated with the front toward The Close, and the rear toward Pinfold Lane. An existing garage serving 'Little Hollies' would be removed, which would create a more consistent frontage to The Close than the existing situation.
6. The footprint of the proposed dwelling would still leave sufficient space to the adjacent dwellings, and given the character of The Close in this section, would not cause material harm to the character and appearance of the locality. The dwelling would be sympathetic in terms of design with the locality, utilising a materials palette broadly consistent with surrounding dwellings.
7. For the above reason I find that the proposed dwelling would not appear incongruous or out of place within its surroundings by means of its design or appearance and nor would it be disproportionate in terms of size or massing and as such, would not be in conflict with Policy SP3 of the Newark and Sherwood Core Strategy DPD (the CS) or Policy DM5 of the Newark and Sherwood Allocations & Development Management DPD (the DPD) which, amongst other issues, set out the criteria for new development to meet, including, but not exclusive to scale, character, impact and local distinctiveness.

Effect on Living Conditions

8. In terms of the effect on the living conditions of the adjacent property 'Sycamore House' by means of perceived shadowing and the overbearing nature of the proposal, I am mindful of the level of effect that would be caused by the implementation of the extant permission, which both parties have agreed is only slightly smaller than the appeal proposal.
9. The dwelling approved by the extant permission would be located in a manner that would lead to the loss of some morning sunlight for 'Sycamore House' depending on weather conditions and the time of year. The footprint of the appeal property would bring it slightly closer to 'Sycamore House', which is orientated with the front toward Pinfold Lane, rather than The Close. There are side windows to 'Sycamore House' that look toward the appeal site, but on my site visit, I was aware of the presence of an approximately 1.8m high boundary fence, which both protects the privacy of both existing dwellings and restricts the outlook from 'Sycamore House'
10. The main outlook from 'Sycamore House' is to the front and rear, and not sideways toward the side garden of 'Little Hollies'. Given the slight modification of the footprint by the appeal proposal, the outlook from 'Sycamore House' would not be adversely affected by this proposal, when seen against the extant permission.
11. I am of the opinion that the appeal proposal would not affect the living conditions of the occupants of 'Sycamore House', having particular regards to the issues of perceived shadowing and any overbearing effect on the adjacent property by the proposal. As such, the proposal is in accordance with Policy SP3 of the Core Strategy and Policy DM5 of the DMDPD.

Other Matters

12. I am mindful of the objections raised by local residents with regard to the sizing and location of the appeal proposal, and I have taken this into consideration when assessing the relative merits of the proposal. For the

reasons outlined above I am satisfied that the proposal would not give rise to any such adverse effects.

13. The appeal site lies within the Averham Conservation Area which is characterised by its historic buildings, structures and street pattern. In the same way that I consider that the effect on the character and appearance would be acceptable, I find that the significance of the Conservation Area would be unharmed.

Conditions

14. I have noted the Council have supplied a number of conditions that should be included if the appeal succeeds. However I am mindful of the previous appeal decision for the extant permission, and in this instance will replicate those appeal conditions, appropriately modified for this proposal. In any event, there is some similarity between the existing conditions and the proposals made by the Council.
15. I have included standard conditions in relation to the commencement of development and that the proposal should be constructed in accordance with submitted plans, in the interests of certainty.
16. The majority of the conditions are imposed in order to protect the character and appearance of the area, with the exception of Condition 4, which is required to protect the character of the Conservation Area, Condition 9 which protects the privacy of the adjacent residents, whilst conditions 11 to 14 are included for the benefit of highway safety.
17. Condition 10 for the removal of Permitted Development rights in terms of additional windows for the dwelling is needed, in order to protect the privacy of adjacent dwellings in the longer term. However I have not included the removal of Classes A, C, E and F in relation to extensions, roof alterations, curtilage buildings and hard standings, as exceptional circumstances are required to be demonstrated to impose such conditions, and in this instance, there is no significant reason or particular site circumstance to include the condition.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR

Schedule of Conditions
Appeal APP/B3030/W/18/3193373
Little Hollies, The Close, Averham

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) Unless required otherwise by the conditions set out below, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - DB389 – A100 Rev A Location Plan
 - TCP – 01 Tree Constraints Plan
 - BSA6x6 – A6x6 Proposed Double Garage
 - DB389 – A104 Rev A Proposed Site/Block Plan
 - DB389 – A101 Existing Site Plan and Existing Garage Details
 - DB389 – A102 Rev D Proposed Dwelling Plans and Elevations
 - DB389 – A107 P1 Proposed Street Views
 - DB389 – A107 P2 Proposed Street Views
 - DB389 – A107 Proposed Street View – The Close
- 3) No development shall be commenced until details/samples of the bricks and roofing tiles to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with those approved details.
- 4) No development shall be commenced until a brickwork sample panel showing brickwork, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the Local Planning Authority. All subsequent walling shall match the approved sample panel in terms of detailing.
- 5) No development shall be commenced in respect of rainwater goods and external windows (including roof windows) and doors, and their immediate surroundings including details of glazing and glazing bars and joinery details, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

- 6) No development shall be commenced until the trees not shown as being removed on drawing No DB389 – A104 Rev A have been protected by the following measures, and shall be retained during construction works, unless agreed in writing by the Local Planning Authority:
 - i. a chestnut pale or similar fence not less than 1.2m high shall be erected at the outer extremity of the tree canopies, or a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the Local Planning Authority;
 - ii. no development (including the erection of site huts) shall take place within the crown spread of any tree;
 - iii. no materials (including fuel or spoil) shall be stored within the crown spread of any tree;
 - iv. no services shall be routed under the crown spread of any tree;
 - v. no burning of materials shall take place within 10m of the crown spread of any tree.
- 7) No development shall be commenced until details of external hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and completed before first occupation of the dwelling hereby permitted.
- 8) The dwelling hereby approved shall not be occupied until the existing garage shown to be removed on drawing No DB389 – A104 Rev A has been demolished in full and all materials removed from the site.
- 9) Prior to the occupation of the dwelling hereby permitted, all window openings shown as being obscurely glazed on the first floor side elevations as indicated on drawing No DB389 – A102 Rev D shall be fitted with obscure glazing to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.8m (1800mm) above the internal floor level of the room in which it is installed, and shall be retained in perpetuity in accordance with this condition thereafter.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no windows, including dormer windows (other than those expressly authorised by this permission) shall be constructed on the first floor side elevations of the dwelling hereby permitted.
- 11) The dwelling hereby permitted shall not be brought into use until the new vehicular verge crossing from Pinfold Lane to serve Little Hollies, as shown on drawing No DB389 – A104 Rev A has been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
- 12) The dwelling hereby permitted shall not be brought into use until the new pedestrian access to the dwelling has been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

- 13) The dwelling hereby permitted shall not be brought into use until the existing garage access from The Close shown on drawing No DB389 – A104 – Rev A has been permanently closed and the verge reinstated in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
- 14) The dwelling hereby permitted shall not be brought into use unless and until the on-site parking area for the proposed dwelling has been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The parking area shall thereafter be retained in perpetuity and kept available for its intended purpose.

[END OF SCHEDULE]