
Appeal Decision

Site visit made on 1 April 2019

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/B3030/W/19/3220718
Wood View, 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 Brett Ward against the decision of Newark and Sherwood District Council.
 - The application Ref: 18/01421/FUL, dated 24 July 2018, was refused by notice dated 7 November 2018.
 - The development proposed is a new 3 bedroom dwelling and including the demolition of existing flat roofed garage.
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Decision

1. The appeal is allowed, and planning permission is granted for a new 2 bedroom dwelling, including the demolition of the existing flat roofed garage at Wood View, The Close, Averham NG23 5RP in accordance with the terms of the application, 18/01421/FUL, dated 24 July 2018, subject to the schedule of conditions listed at the end of this decision.

Preliminary Matters

2. I have determined this appeal on the basis of the description of development being for the erection of a new 2 bedroom dwelling, including the demolition of the existing flat roofed garage. This is because the application drawings were amended to indicate a smaller scale 2 bedroom dwelling prior to the decision by the Council.
3. The National Planning Policy Framework (the Framework) was revised in February 2019. I have consulted the main parties and conclude that the revision has raised no additional issues of relevance to this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the Averham Conservation Area, and
 - the effect on the living conditions of neighbours in respect of privacy, outlook and received light.

Reasons

Effect on character and appearance

5. Wood View is a two storey detached dwelling and former police house with a detached garage. It is located at the end of the cul-de sac of the Close. It is separated from the neighbouring detached dwelling of Willow Trees by a significant gap. Pinfold Cottage is located immediately to the south-west beyond a boundary hedge and a public footpath. The A617 is close to the site, allowing views of the frontages of properties at The Close.
6. Spatial Policy 3 of the Amended Core Strategy 2019 (the Amended Core Strategy) indicates that development not in Principal Villages should be assessed against the criteria of location, scale, impact, need and character.
7. The Averham Conservation Area covers the majority of the village and is centred upon the development along Church Lane and Pinfold Lane. The character of development varies, with older buildings being in brick with pantile roofing. Dwellings at The Close consist mainly of a row of modern houses which the Council considers make a neutral contribution to the Conservation Area. There are generally gaps between the houses, although an infill development was allowed on appeal at Little Hollies.
8. The proposed dwelling would be of an appropriate scale and height and would use external materials consistent with those within the Conservation Area. It would be located relatively close to the flank wall of Meadow View. However, a gap would still be left between the existing and proposed dwelling above the flat roofed ground floor part of Meadow View. I find that there would be no conflict with Amended Core Strategy Spatial Policy 3, or with policy DM5 of the Allocations and Development Management DPD which seek to retain local character and distinctiveness, or with the design objectives of the Framework.
9. The Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and that significance can be harmed or lost through development within their setting. I consider that the proposal would preserve the character and appearance of the Averham Conservation Area and there would be no conflict with Amended Core Strategy Spatial Policy 3, Amended Core Strategy Policy 9 regarding sustainable design, or policy DM14 of the Allocations and Development Management DPD 2013 (the DPD).

Effect on the living conditions of neighbours

10. The appeal site is located at a slightly higher level than Pinfold Cottage. However, the existing boundary hedge would provide a significant screen between the proposed dwelling and Pinfold Cottage. It is likely that this hedge would be retained because of the mutual benefit it provides in terms of privacy. The public footpath between the two properties alongside the hedge also provides a degree of separation.
11. A dormer window is proposed at eaves level on the western elevation. That window would only allow overlooking of the private driveway of Pinfold Cottage. No windows are proposed at first floor level on the rear elevation. A set of patio doors are proposed at the ground floor along with a rear entrance door.

However, these would be largely screened by the boundary hedge from any views from Pinfold Cottage. On the eastern side, two windows are proposed at ground floor level serving a kitchen and downstairs W.C. and two rooflights are proposed within the roof slope. However, any loss of amenity would only affect the host building of Wood View.

12. The height of the proposed dwelling was reduced during consideration of the application by the Council. The rear elevation was also changed to include a gable end wall with a chimney, thereby reducing its mass from the more box-like building that was originally proposed. I consider that there would be no significant detrimental effect from the proposal on the outlook from Pinfold Cottage. This is because only the upper part of the building would be visible from the facing windows in Pinfold Cottage, with the ground floor screened from view by the hedge. Pinfold Cottage is located almost to the south-south west of the proposed dwelling and the high boundary hedge. Any additional loss of sunlight or daylight from the proposal would therefore be minimal.
13. I find that there would be no conflict with Amended Core Strategy Spatial Policy 3 regarding impact or with Policy DM5 of the DPD, which seek to ensure that development proposals result in no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Conditions

14. I have based the conditions on those suggested by the Council and amended the wording appropriately. In addition to the standard timescale condition I have added a condition to confirm the approved plan. Conditions are added regarding the use of external materials and details of elements of construction in order to ensure that the quality and appearance of the proposed dwelling is sympathetic to its location within the Conservation Area. A condition is also imposed to require archaeological investigation of the site to protect heritage interests.
15. Conditions are included to cover boundary treatment and landscape works, including retention of the boundary hedge next to the public footpath, in the interest of protecting the amenity of neighbours. Requirements are also in place to ensure that access and parking is available prior to occupation of the dwelling, in the interest of highway safety. Finally, permitted development rights have been removed for alterations to the roof. The special justification for this is to ensure that any roof alterations would be subject to the need for planning permission in order to protect the interests of the occupiers of the neighbouring property in respect of their outlook.

Conclusion

16. I have taken all other matters raised into account. However, for the reasons given above I conclude that the appeal should be allowed

Martin H Seddon

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall not begin later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: 566-04A (received 28.9.18). No development shall be commenced until details of the external materials to be used in the construction of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. No development shall be commenced until a brickwork sample panel showing brick, 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. Development shall thereafter be carried out in accordance with the approved details.
4. No development shall be commenced in respect of the features identified below, 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 carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
 - external windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars;
 - treatment of window and door heads and cills;
 - verges and eaves, and
 - extractor vents, flues, meter boxes and soil and vent pipes.
5. All rainwater goods shall be black in appearance. Guttering shall be half round in profile and fixed by rise and fall brackets with no fascia board fitted unless otherwise agreed in writing with the local planning authority.
6. Notwithstanding the above conditions, the pantiles used in the construction of the development hereby permitted shall be of a non-interlocking variety and be non-weathered finish.
7. Notwithstanding the above conditions, the external windows and doors used in the construction of the development hereby permitted shall be timber and shall be retained for the lifetime of the development unless otherwise agreed in writing within the local planning authority.
8. No development shall be commenced in respect of the features identified below, 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 carried out in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
 - chimney detail.

9. Prior to any groundworks a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) shall be provided in accordance with a written scheme of investigation and shall be submitted to and approved in writing by the local planning authority.
10. No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.
11. No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - an implementation and phasing plan; a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
 - existing hedgerows, which are to be retained including the boundary hedgerow next to the public footpath, together with measures for protection during construction;
 - car parking materials, and hard surfacing materials.
12. All hard and soft landscape works shall be carried out in accordance with an approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with a timetable agreed in writing by the Local Planning Authority.
13. No part of the development hereby permitted shall be brought into use until the access has been designed and thereafter completed to a standard that provides a minimum width of 5.25m (4.25m with 1m added as the access will be bounded on each side by hedge) for the first 5m rear of the highway boundary.
14. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with drawing No. 566-04A. The parking areas shall not be used for any purpose other than the parking of vehicles.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class B: Additions etc. to the roof of a dwellinghouse.

Class C: any other alteration to the roof of a dwellinghouse.

End of Schedule