



Appeal Decision

Site visit made on 14 May 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/B3030/W/19/3223786

37 and 39 Halloughton Road Southwell NG25 0LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Dan Orwin against the decision of Newark and Sherwood District Council.
 - The application Ref 18/01285/FUL, dated 27 June 2018, was approved on 5 September 2018 and planning permission was granted subject to conditions.
 - The development permitted is to demolish 2 No. semi-detached properties known as 37 and 39 Halloughton Road, erect 2 no. detached replacement dwellings with garages within the boundaries of the above properties and garden.
 - The condition in dispute is No. 010 which states that: Prior to the occupation of the dwelling hereby approved at Plot 39 to the east of the site, the existing two bungalows at the west of the site shall be demolished in accordance with a scheme of demolition to be first submitted and approved in writing by the local planning authority.
 - The reasons given for the condition is: To ensure that the scheme is delivered as envisaged in line with the intentions of the application without detrimentally affecting neighbouring amenity relationships.
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Decision

1. The appeal is allowed and the planning permission Ref 18/01285/FUL to Demolish 2 No. semi-detached properties known as 37 and 39 Halloughton Road, erect 2 no. detached replacement dwellings with garages within the boundaries of the above properties and garden at 37 and 39 Halloughton Road Southwell NG25 0LP granted on 5 September 2019 by Newark and Sherwood District Council, is varied by deleting condition 010 and substituting for it the following condition: 'Prior to the first occupation of the dwelling hereby approved at Plot 39 to the east of the site, at least one of the existing two bungalows at the west of the site shall be demolished in accordance with a scheme of demolition to be first submitted and approved in writing by the local planning authority'.

Main Issue

Whether the requirement to demolish both existing dwellings prior to the occupation of the first of the dwellings approved is necessary and reasonable.

Reasons

2. The appellant submits that the Condition imposes an unreasonable restriction as it requires two dwellings to be demolished when only one has been erected and this might affect the deliverability of the development.

3. The Council concede the condition is overly onerous to the applicant and that the intentions of ensuring no more than two dwellings on the site are occupied could be achieved by an alternative condition.
4. The Council have suggested wording for the condition which I have adjusted and consider to be acceptable, meeting the appropriate tests set out in Planning Practice Guidance. The reason for the condition is to ensure that no more than two dwellings are occupied on the site in accordance with the basis of the planning permission for replacement dwellings.
5. Accordingly, the appeal is allowed.

Andrew Boughton

INSPECTOR