



Appeal Decision

Site visit made on 1 August 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/A3010/W/23/3316354

Land at Claverton, Sparken Hill, Worksop S80 1AP

- 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 Mark Manley against the decision of Bassetlaw District Council.
 - The application Ref 21/01289/FUL, dated 2 August 2021, was refused by notice dated 17 October 2022.
 - The development proposed is new 3 Bedroom Dwelling with Associated Landscape Works.
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Decision

1. The appeal is allowed and planning permission is granted for new 3 Bedroom Dwelling with Associated Landscape Works at Claverton, Sparken Hill, Worksop, S80 1AP in accordance with the terms of the application, Ref 21/01289/FUL, dated 2 August 2021, subject in the attached schedule.

Preliminary Matter

2. The name of the applicant on the Planning Application form is given as Manley. The appeal form confirms that the appellant is Mr Mark Manley.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the setting of non-designated heritage assets.

Reasons

4. The appeal site lies to the side of Claverton. It is within a predominantly residential area characterised by large, detached dwellings, set back from the road and with spaces between them. The presence of trees and landscaping gives a verdant and open character to the area.
5. Policy DM8 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document (2011) states that development affecting heritage assets will not be supported if they are of an inappropriate scale, design or material or which lead to the loss of important spaces. Paragraph 203 of the National Planning Policy Framework (the Framework) requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

6. The adjacent buildings of Claverton and Camelot have been identified as non-designated heritage assets. Camelot is a two storey villa and Claverton is a subdivided villa both built in the early 20th Century and their significance is derived from their traditional design in keeping with others in the area along with the spaces round the buildings.
7. The proposed dwelling would be set back from the road following the established building line and although it would be narrower and longer than the adjoining houses there would be limited views of it from Sparken Hill, due to the existing trees, which will remain. Even though the dwelling would have a narrow form, space would remain between it and the existing dwellings so that the development would not appear cramped and out of character with the properties in the area. Although there are large areas of glazing, and the building would have a modern design, traditional materials are proposed, which would be sympathetic to the local character. Overall, the proposed dwelling would be of a form and scale sympathetic to the wider area, including the neighbouring properties of Claverton and Camelot.
8. I therefore conclude that the proposed dwelling would not harm the character and appearance of the area with particular regard to the setting of non-designated heritage assets. It would comply with policies DM4 and DM8 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document 2011 (DPD) which seeks to ensure, amongst other matters, that development is of high-quality design and respects its wider surroundings and that protect and enhance the historic environment. It would also comply with the design and historic environment aims of the Framework.

Other Matters

9. I note that permission was granted for a detached dwelling on the site in 2010 (Application number 02/10/00093). On my site visit I saw foundations, which the appellant states are for this dwelling.
10. I note the comments from neighbouring occupiers. Even though the dwelling would extend beyond the rear of the existing neighbouring dwellings and would therefore be closer to the dwellings to the rear of the site, a large area of amenity space would remain with adequate separation distances to them. There is no evidence to suggest that the proposal would lead to an increase in the level of noise in the area.
11. The access to the dwelling from Sparken Hill would be shared with Claverton. Whilst there would be additional traffic movements, there were no objections from the Highway Authority to the proposal, subject to conditions which I have imposed. From the evidence before me I have no reason to disagree with the Highway Authority on this matter.

Conditions

12. No conditions have been provided by the Council or the appellant, although they have been afforded the opportunity to comment on the suggested conditions.
13. In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.

14. I note the request from the Council's Environmental Health department for a condition restricting working hours on site to limit noise from construction works, which I agree is necessary given the presence of nearby dwellings. I also agree that the conditions requested by the Highway Authority are necessary in the interests of highway safety.
15. The drainage condition is necessary to ensure the proposal meets the requirements of Policy DM12 of the DPD and the condition relating to trees is necessary to ensure enforceability of the tree protection measures.

Conclusion

16. The proposal accords with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding. For the reasons given the appeal succeeds.

H Senior

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2973/001 Rev B, 2973/002 Rev A, 3973/003 Rev A, CSH-01, CSH-03 rev B.
- 3) All works and ancillary operations during construction shall be carried out only between 08.00-18.00 hrs [Monday-Friday] 08.00- 13.00 hrs [Saturday] and at no time on Sunday, Bank/Public holidays. No deliveries to/from the site outside of these hours.
- 4) The dwelling hereby approved shall not be occupied until:
 - The shared driveway, parking and manoeuvring areas (for both the existing and proposed properties) have been constructed in accordance with plan 2973/001 Rev B. The area hatched green shall remain unobstructed and available for manoeuvring purposes by both properties for the lifetime of the development.
 - The shared driveway has been surfaced in a hard, bound material (not loose gravel) for a minimum of the first 5m within the site (measured from the rear of the adjacent footway).
 - Drainage measures have been included which prevent the unregulated discharge of surface water from the shared driveway into the public highway.
 - A dropped kerb vehicular crossing has been provided across the full width of the widened access driveway.
 - 2m x 2m pedestrian visibility splays have been provided on either side of the shared driveway, within which there shall be no obstructions to vision above 600mm in height.

The surfaced driveway, parking and manoeuvring areas, pedestrian visibility splays and drainage measures shall then be maintained as approved for the lifetime of the development.

- 5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Prior to the occupation of the dwelling hereby approved, a wheelie bin collection point shall be provided to serve the existing and proposed properties, to be located in a position to be agreed in writing with the District Council, which shall thereafter be retained indefinitely.
- 7) All the trees shown on the tree protection plan CSH-03 rev B as "to be retained" shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]