

PLANNING COMMITTEE,

15th November 2023

INFORMATION REPORT

APPEAL DECISION RECEIVED

Mr S Perry Appeal against the refusal of full planning permission for the erection of an end of terrace cottage, land adjacent 3 Askew Cottages, Beaver Place, Worksop.

DECISION: Appeal DISMISSED by the Inspector.

An application to erect an end of terrace cottage at 3 Askew Cottages, Beaver Place, Worksop was refused on 12th August 2023 under delegated authority for the following reasons;

1. The Bassetlaw Local Development Framework contains policy DM4, which states that permission will only be granted for residential development that is of a high quality design and which provides a decent standard of private amenity space and does not have a detrimental effect on the residential amenity of nearby residents. Similar advice is contained in paragraph 130 of the NPPF which states that development should provide a high standard of amenity for existing and future users.

In addition the District Council's 'Successful Places' Supplementary Planning Document also states that new dwellings should normally have a minimum single area of private amenity space of 50sqm for 1 bed dwellings.

The occupiers of the proposed dwelling would be provided with a rear garden area of 31m² which would fall significantly below this minimum standard. The proposed dwelling would therefore have an unduly small garden and aspect which would be largely dominated by the gable wall of the adjoining dwelling to the north and the terraced properties to the south-west. In addition, the close proximity of the dwellings on Church Walk would also result in undue overlooking resulting in inadequate levels of privacy for the occupiers of the proposed dwelling.

The access to the rear garden area of the proposed dwelling would be through the rear garden of, and immediately adjacent to the rear of the dwelling No.3 Askew Cottages. It is considered that the general domestic activities of emptying bins and accessing the rear garden of the proposed dwelling would result a loss of privacy and unacceptable loss of amenity for the occupiers of this dwelling.

It is considered that if permitted, the development would conflict with the policies and guidance outlined above.

2. Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of no detriment to highway safety. Similar advice is contained in paragraph 110 of Part 9 of the National Planning Policy Framework, which states that development proposals should ensure that safe and suitable access can be achieved for all users.

The application site is located on Beaver Place, a narrow road, with on-street parking which does not allow for 2 way traffic. The proposed development would result in the loss of parking spaces provided for the three dwellings located to the north of the application site and, the erection of a further dwelling with no off-street parking provision. The development, if permitted would therefore result in an increase in on-street parking to the detriment of highway and pedestrian safety, conflicting with the aims of the policies outlined above.

The inspector considered that the main issues were:

- i.) the living conditions of future occupiers with particular regard to outdoor space and privacy,
- ii.) the living conditions of the occupiers of 3 Askew Cottages with particular regard to privacy, and
- iii.) highway safety with particular regard to on street parking.

The Inspector concluded the following:

i. "I accept that the rear amenity space would be accessed from the living room of the proposed dwelling and that it would receive adequate daylight. However, as well as being of a limited size it would also be overlooked by the occupiers of the terraced dwellings on Church Walk and dominated by the gable wall of the existing dwelling, 3 Askew Cottages which would reduce outlook and privacy for future occupiers....I conclude that the erection of an end terrace would harm the living conditions of future occupiers with particular regard to outdoor space and privacy."

ii. "There would be access to the rear of No 1 to 3 Askew Cottages to allow for the presentation of refuse bins for collection. Whilst there would be additional movements to the rear of the existing dwellings along a shared path, this is an activity which currently takes place and the addition of one dwelling would be unlikely to cause greater harm to the living conditions of the current occupiers of the Cottages."

iii.) "Whilst the proposal would remove an on-street parking space, I do not consider that the parking of additional residents vehicles would disrupt the flow of traffic in the area....I conclude that the proposal would not harm highway safety with particular regard to on-street parking."

A copy of the Inspector's decision letter follow this report.

OFFICER RECOMMENDATION: Refuse

FINALISED DECISION LEVEL: Delegated following referral to PCG