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# 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: 2<sup>nd</sup> November 2023**

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**Appeal Ref: APP/A3010/W/23/3316717**

**Land Adjacent No. 3 Askew Cottages, Beaver Place, Worksop**

**Notts S80 2ER**

- 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 Stuart Perry against the decision of Bassetlaw District Council.
  - The application Ref 22/00930/FUL, dated 27 June 2022, was refused by notice dated 22 August 2022.
  - The development proposed is erect end of terrace cottage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on:
  - the living conditions of future occupiers with particular regard to outdoor space and privacy,
  - the living conditions of the occupiers of 3 Askew Cottages with particular regard to privacy, and
  - highway safety with particular regard to on street parking.

## Reasons

### *Living conditions*

3. The appeal site is an open area of land adjacent to three terraced houses. It lies in a mixed residential area and commercial area, within the Worksop Conservation Area.
4. The guidance in the Successful Places Supplementary Planning Document 2013 (SPD) recommends that for 1 or 2 bedroom houses a minimum of 50 square metres of outdoor amenity space would be required to meet the likely needs of the occupiers. The proposal would result in a rear outdoor amenity space of approximately 31 square metres, which would not meet the guidance.
5. 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.

6. 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.
7. 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. It would conflict with Policy DM4 of the Bassetlaw Core Strategy and Development Management Development Plan Document 2011 (DPD) which amongst other matters seeks to ensure development provides a decent standard of private amenity space. It would also conflict with the guidance in the SPD and with para 130 of the National Planning Policy Framework (the Framework).

### *Parking*

8. The appeal site was conditioned to provide off-street parking for the occupiers of No 1-3 Askew Cottages when planning permission was granted for them. In the intervening time, a resident's only parking scheme has been introduced in the area, reducing the demand for on-street parking. At the time of my visit, which I accept was during late morning and a snapshot in time, I saw that there were several on street parking spaces available in the vicinity of the proposal.
9. 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.
10. I conclude that the proposal would not harm highway safety with particular regard to on-street parking. It would comply with Policy DM4 of the DPD which amongst other matters seeks to ensure that development is not to the detriment of highway safety. It would also comply with para 110 of the Framework.

### **Other Matters**

11. The host property lies within the Worksop Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
12. The Council, in determining the planning application concluded that the terrace cottage would preserve or enhance the character or appearance of a conservation area, due to the design of the proposal adjacent to three relatively modern terraced dwellings. From the evidence before me and my observations on site there is no reason to disagree.
13. I note that the appeal site has been the subject of fly tipping. Whilst the proposed development would remove the risk of future fly tipping, I am not persuaded that this is the only way this could be achieved. I therefore give this matter limited weight.

### **Planning Balance and Conclusion**

14. The proposed development would create an additional dwelling adding to the Council's housing stock and supporting the Government's objective of boosting the supply of homes. However, the appeal proposal would harm the living conditions of future occupiers. In this case, the harm that would result would outweigh the benefits arising from the proposed development.
15. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore conclude that the appeal is dismissed.

*H Senior*

INSPECTOR