

APPEAL BY MR S JAYES AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION TO CONVERT THE EXISTING DWELLING BACK INTO TWO DWELLINGS AND A TWO STOREY SIDE EXTENSION AT 15, NANTWICH ROAD, AUDLEY, NEWCASTLE

<u>Application Number</u>	13/00203/FUL
<u>LPA's Decision</u>	Refused by delegated powers on 9th May 2013
<u>Appeal Decision</u>	Allowed
<u>Date of Appeal Decision</u>	11th December 2013

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00203/FUL) and the following is only a brief summary.

The Inspector considered the main issue is whether the development proposed would provide acceptable living conditions for future occupants, with particular regard to levels of outdoor amenity space. In allowing the appeal, she made the following comments:

- The western dwelling (cottage 2) would be provided with an acceptable level of outdoor amenity space and it is noted that the Council did not object to the proposal in this regard.
- The outdoor amenity space for the eastern dwelling (cottage 1) would comprise the area at the front of the dwelling adjacent to the highway and the side and rear alleyway area.
- The Council discounted the contribution that the front garden area made to the outdoor amenity space. However, the property is in a village location and there is no evidence that the road is a busy thoroughfare that would make the proposed front garden unusable. Additionally there is a stone boundary wall and mature vegetation which would provide screening to increase the privacy of future occupants. For these reasons, the Inspector considered that the front garden area could make a contribution towards the level of outdoor amenity space for future occupants.
- The Council's 'Space Around Dwellings' Supplementary Planning Guidance refers to houses of three or more bedrooms and there is no explicit reference to levels of amenity space that should be provided houses with two bedrooms. Although the Council have calculated a pro rata requirement of 44 square metres for a two bedroom dwelling, there is no policy reference on which to base this approach.
- The Inspector considered that in this case, calculating levels of outdoor amenity space requires a more qualitative approach to reflect the differences between how occupants would use a two bedroom property or larger family home. For example, larger dwellings are likely to require more sizeable gardens for outdoor play for children, whereas the occupants of smaller properties, such as professional or retired people, may find more limited outdoor garden space acceptable.
- Although the side and rear alleyway would be narrow, there is little substantive evidence to suggest that this area could not be used for the storage of bicycles or other items. The rear alleyway could be used to hang out washing and the front garden area could also accommodate either bin storage or a small table and chairs. It was also noted that there is a public park within walking distance.
- The Inspector concluded that the proposal would provide acceptable living conditions for future occupants, with particular regard to levels of outdoor amenity space.
- Although the Parish Council raised concerns regarding the effect on the character and appearance of the area and the dwelling itself, the Inspector concluded that the proposal would not be harmful to the character or appearance of the Conservation Area.
- Although the Council requested conditions be imposed relating to noise prevention methods due to the development being on a busy road, the Inspector considered that there is little substantive evidence to demonstrate that this location has particular noise issues that would unacceptably affect the living conditions of future occupants.

The conditions suggested would not be necessary and would not meet the tests of the Circular.

Recommendation

That the decision be noted.