
Appeal Decision

Site visit made on 7 February 2017

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07th March 2017

Appeal Ref: APP/W3005/W/16/3163619

186 Papplewick Lane, Hucknall, Nottingham, NG15 8EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs P Plumb against the decision of Ashfield District Council.
 - The application Ref: V/2016/0282 dated 25 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is the erection of two dwellings (outline).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with approval sought for the means of access and scale at this stage. Layout, appearance, and landscaping are reserved matters. An indicative site layout plan has been submitted which I shall treat as being for illustrative purposes only.

Application for Costs

3. An application for costs was made by Mrs P Plumb against Ashfield District Council. This application is the subject of a separate Decision.

Main Issue

4. I consider the one main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site comprises part of the long rear garden of a detached property on the southern side of Papplewick Lane. The proposal is for two detached closely-spaced dwellings, which would align approximately with the adjacent bungalow No 188a. The indicative layout shows that the dwellings would be of two storeys, although that closest to the bungalow would be single-storey within 3.0m of the common boundary. The garden landscape is mature and the site's boundaries are thickly planted with conifers (singly and in groups), together with many individual specimen trees.
 6. The application is a resubmission of an earlier application (Ref: V/2015/0173) which was withdrawn. At the request of the Council the appellant commissioned a tree report and ecological survey as part of the subsequent application. I note that the Council has raised no objections to the proposal in
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terms of its impact on the site's trees and wildlife, and from what I have seen and read I find no reason to disagree. I also note that the Highway Authority has raised no highway safety objections to the new access and internal drive and turning arrangements shown on the illustrative plan.

7. The site is included within the main urban area of Hucknall, where Policy ST2 of the *Ashfield Local Plan Review, adopted 2002* (LP) says development will be concentrated. Amongst other matters saved LP Policy ST1 specifies that development will be permitted where (a) it will not conflict with other LP policies and (b) will not adversely affect the character, quality, amenity or safety of the environment. Amongst other considerations, saved LP Policy HG5 specifies that residential development will be permitted where (a) the amenity of neighbouring properties is protected, (b) where the design and layout minimises potential overlooking, and (g) where the design is acceptable in terms of appearance, scale and siting.
8. Existing development on the south side of Papplewick Lane from the roundabout junction with Hayden Lane eastwards as far as the edge of the built-up area comprises mainly detached houses with unusually long back gardens. These are generally well-planted with a private and secluded character. I acknowledge that the pattern of development in the wider area is more varied with and some development in depth, including the many examples of 'backland' development to the rear of properties on the north side of Papplewick Lane to which I have been referred. However, the appeal site relates to the lower density development on the south side of the Lane, being within the rear garden environment of those properties, rather than to the higher density development on the north side of the Lane, where plots are narrower and the properties have markedly shorter front and rear gardens.
9. Although many rear gardens nearby contain structures of various types and sizes, these are garden buildings such as sheds typically found in most gardens. I am not aware of any comparable backland residential development on this side of the Lane, other than the bungalow adjacent to the appeal site, which is the only exception to an otherwise consistent pattern of development. However, the bungalow has no known planning history, and is understood to have been built in the 1960s when a different planning regime and policies applied. As such, I do not consider its presence serves to justify the appeal proposal in any way.
10. In this context the proposal would introduce two new dwellings into the rear garden environment which would be totally at odds with the prevailing pattern of development. The sub-division of the garden would fragment and disrupt the established pattern, and the dwellings would compromise the character of the linear rear gardens and be wholly out of character with what is typical in the area. Furthermore, although each application and appeal is considered on its own merits, as other nearby properties present similar opportunities, allowing the appeal would set a precedent which others could follow, and the cumulative effect of this would lead to more serious harm to the character of the area.
11. Paragraph 53 of the *National Planning Policy Framework* (the Framework) states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens; for example where development would cause harm to the local area. Although no such specific policies have been included in the saved LP, which pre-dates the

Framework, I am satisfied that the LP policies to which I have been referred reflect the requirement in paragraph 58 of the Framework that planning policies and decisions should respond to local character and reflect the identity of local surroundings. I therefore conclude on this issue that the proposed development would cause significant harm to the character and appearance of the surrounding area. It would conflict with saved LP Policies ST1 and HG5.

Other Matters

12. Although raised in representations, I am satisfied that the proposal would not materially impact on the living conditions currently enjoyed by the occupiers of nearby dwellings, and would satisfy the relevant standards set out in the Council's *Residential Design Guide SPD*. The proposed garden sizes of the two plots are also acceptable. Nonetheless, my findings in relation to these amenity considerations do not overcome my conclusion on the main issue.
13. The appellant says the dwellings would not readily be visible from the street or the public realm generally. However, I do not consider this a good argument, as it could be repeated too often as a means of justifying an otherwise unsatisfactory form of development.
14. The appellant says there is some inconsistency in decision-taking by the Council in that a large housing estate has recently been built on previously open land to the south of the properties on this side of Papplewick Lane. However, I have no information concerning the circumstances that led to that planning permission being granted, and in any event it does not impinge on or directly relate to the established character of the area of long garden plots of which the appeal site is a part. I have also been referred to a recent planning permission for the addition of an upper storey to the adjacent bungalow. However, although this would increase the visibility of that property, the bungalow is an existing feature, and an application to extend it would have been considered against different policies.

Overall Planning Balance and Conclusion

15. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development, to be seen as a golden thread running through both plan making and decision taking. It is therefore necessary to determine whether the proposed development is sustainable in the wider realm in the context of the wider Framework. Paragraph 7 identifies a three-stranded definition of sustainable development based on economic, social and environmental factors. The provision of new housing would represent a social benefit, albeit a modest one, and in addition there would be some support for local services and facilities, thus amounting to an economic benefit.
16. However, in weighing the above benefits and disbenefits together, I find that the environmental harm that would be caused to the character and appearance of the area would substantially and demonstrably outweigh the limited social and economic benefits, and must be decisive. The proposal would conflict with the policies of the development plan and the Framework taken as a whole.
17. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison INSPECTOR