
Appeal Decision

Site visit made on 7 February 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 10th April 2017

Appeal Ref: APP/N1025/W/16/3162817

339a Tamworth Road, Long Eaton, Derbyshire NG10 3LU

- 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 Jack Loggin Ltd against the decision of Erewash Borough Council.
 - The application Ref ERE/0616/0026, dated 4 May 2016, was refused by notice dated 13 September 2016.
 - The development proposed is erection of 12 no. two bedroom apartments in 2 no. detached three storey blocks and 12 no. space car park.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal a planning obligation under S106 of the Town and Country Planning Act 1990, in the form of a Unilateral Undertaking was submitted and the Council given an opportunity to comment on it. The document sets out the site owner's undertaking to make a financial contribution towards open space, sustainable transport provision, and town centre public realm improvements. I will return to the matter later in this decision.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is a level, cleared area of land which previously accommodated a petrol filling station. It is located in a built up area comprising a mix of residential and small-scale commercial uses. The site fronts onto Tamworth Road, which is a busy route into Long Eaton, and is bounded by the Erewash Canal at the rear.
5. Planning permission has previously been granted for the redevelopment of the site with 8, two bedroomed apartments in 2 detached blocks and the provision of 12 car parking spaces.¹ The proposal before me seeks to provide a development of 12 similar apartments by, in effect, increasing the height of the blocks from two to three storeys. The footprint of the proposed development would remain the same.

¹ Planning application ref: ERE/0414/0025 granted on 25 September 2014

6. The character and appearance of the immediate area is defined, amongst other things, by the type, scale and appearance of the built development and the space in between. The age and design of properties is varied. Immediately adjacent to the site are traditionally designed two-storey semi-detached and detached houses set on a well-defined building line fronting the highway. Opposite are semi-detached, terraced and a detached house set at varying distances from the road at an angle to it. With the exception of a single storey vehicle repair garage which is set well back from the road, and a three storey block of flats close to the canal bridge, the predominant built form is of a modest domestic scale.
7. The site is, effectively, a large infill plot between the existing houses. The street scene showing the approved development indicates that although the two-storey development would be slightly higher than the existing buildings it would reflect the form and rhythm of development in the street. The development now proposed would be around 1.8m higher than the houses on either side of it and would have higher eaves. That increase in height would have a significant effect on the overall massing and scale of the buildings such that they would appear dominant and out of scale with the modest domestic two-storey dwellings on either side of them. As such it seems to me that the buildings would be a jarring element in the prevailing scale of development such that they would be harmful to the character and appearance of the area.
8. I acknowledge that the Council has raised no objection to the design of the buildings but, even though their design would take cues from the neighbouring houses and would be constructed in similar materials, this would not outweigh the harm caused by its scale.
9. My attention has been drawn to other three storey developments in the area, which I saw at my site visit. I do not have the full planning history of these developments before me so cannot be sure that the circumstances that lead to their approval are the same as for the appeal site. Notwithstanding that it seemed to me that the site circumstances are different in each of the cases. Neither of the two existing blocks of flats on Tamworth Road lies between two storey houses and both have two storey elements at the sides that enable them to relate to neighbouring buildings. Whilst I understand that planning permission has recently been granted for a three-storey development at the Royal Oak on Tamworth Road,² of a modern design, it seemed to me that at this point in the street scene the pattern of development is less well defined. Moreover, it appears that the development would not be significantly higher than the two-storey properties that would adjoin it. Consequently these cases do not justify the proposal which, in any event, I have determined on its own merits.
10. The appellant has referred to design guidance³ which suggests that the height of a building should relate to the width of the street. Nevertheless, it seems to me that this is only one indicator of good design. The National Planning Policy Framework (the Framework) advises that it is proper to seek to promote or reinforce local distinctiveness (paragraph 60). It indicates that, amongst other things, scale, density, massing and height of new development in relation to neighbouring buildings and the local area more generally should be the focus of design policies. Moreover, at paragraph 61, the Framework requires that

² Application Ref: ERE/0115/0048

³ By Design: Urban Design in The Planning System (CABE 2000)

decisions should 'address the connections between people and places and the integration of new development into the natural, built and historic environment'. As a result of its massing and scale, the development would not integrate with the domestic scale of its immediate surroundings.

11. The Framework also sets out the presumption in favour of sustainable development. The proposal would provide an additional four units of accommodation over the previously approved scheme and would therefore make an, albeit limited, contribution to the supply of housing. I acknowledge that the Council can demonstrate a 5 year supply of housing land but this is not a ceiling to further sustainable development. The development would increase density and thereby make better economic use of a brownfield site. I acknowledge that the site lies in an accessible location, close to services and transport links but for the reasons above the development would not fulfil the environmental role of sustainability which is to contribute to protecting and enhancing the natural, built and historic environment. Consequently the proposal does not constitute sustainable development.
12. For the reasons set out, as a result of its height and scale, the proposal would be harmful to the character and appearance of the area. Consequently it would not comply with Policy 10 of the Erewash Core Strategy 2014 or Saved Policy H12 of the Local Plan 2014 which seek, amongst other things, to ensure that development responds to and enhances local identity and is in scale and character with its surroundings.

Other Matters

13. Although it did not form a reason for the refusal of planning permission, the Council set out its requirement for a contribution towards the provision of open space, sustainable transport facilities and improvements to the public realm in Long Eaton town centre based on the adopted Contributions Supplementary Planning Document (SPD).
14. The Unilateral Undertaking submitted with the appeal addresses all these elements, although the date on which the Undertaking is given has not been stated. As such it appears that the document has not been correctly executed.
15. However, notwithstanding the submission of the Undertaking, I note that the appellant questions whether in any event the requirements would meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 specifically in respect of the scale of the contribution and whether each contribution is necessary. However, as I am dismissing the appeal on its substantive merits, there is no need for me to assess the matter in detail or to reach a finding on it.

Conclusion

16. For the above reasons and taking all other matters raised into account, the appeal is dismissed.

S Ashworth

INSPECTOR