
Appeal Decision

Site visit made on 3 April 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 2 May 2017

Appeal Ref: APP/Q3060/W/16/3161158
3 Pelham Road, Nottingham NG5 1AP

- 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 Earl and Pelham against the decision of City of Nottingham Council.
 - The application Ref 16/01171/PFUL3 (PP-05157591), dated 18 May 2016, was refused by notice dated 12 August 2016.
 - The development proposed is the creation of two new parking areas. Replacement of windows and doors.
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Decision

1. The appeal is dismissed.

Costs

2. An application for costs was made by Earl and Pelham against City of Nottingham Council. This application will be the subject of a separate decision.

Procedural matter

3. I am advised that planning application reference 16/01838/PFUL3 for the replacement of windows and doors at the appeal site has been granted planning permission. There is no dispute therefore that this part of the appeal proposal is acceptable.

Main Issues

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Sherwood Rise Conservation Area.

Reasons

5. The Conservation Area (CA) covers an area of Nottingham known as Sherwood Rise. The appellant advises that the Council's Sherwood Rise Conservation Area Analysis 2004 has not been adopted and remains in draft form. However, it provides a useful description of the CA which I found to be representative of the area as it currently exists.
 6. Sherwood Rise developed as an exclusive residential area for rich industrialists and the gentry of Nottingham. The CA boundary is drawn to include the streets representing the original suburban village estate. As a result it includes predominantly large detached and semi-detached villa type buildings. The CA
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has a strong sense of enclosure through boundary walls and railings, although not all are original. Street trees and planting within gardens gives a verdant character to the area. Buildings are generally set back in long plots with gardens and open space to the front.

7. I saw that there has been some modern infill development, together with the change of use of many of the buildings away from residential use to commercial uses. Nevertheless, there remain substantial elements of the suburban village estate, as identified above, to recognise the historical significance and concept of the area.
8. 3 Pelham Road is a large detached structure set back from the road with a garden area adjacent to the front of the building and a parking area beyond. Its rear elevation faces Vivian Avenue and there is a vehicle access to the road. The small rear yard is enclosed by existing buildings and a boundary wall and railings to Vivian Avenue. As a result the appeal site retains a number of characteristics relating to its original use as a house and makes a positive contribution to the character and appearance of the CA.
9. The appeal proposal would result in the loss of the existing high wall and wall and railings between the two outbuildings on Vivian Avenue. I note that only the high wall is original. Furthermore, the two existing buildings would be retained, maintaining some form of boundary to the road. Nevertheless, the overall boundary treatment would be significantly reduced eroding the sense of enclosure. I appreciate that railings are an open form of treatment. However, they still give a degree of enclosure to the street, also seen elsewhere on Vivian Avenue.
10. The provision of two parking spaces would also necessitate widening the existing vehicular access so that the north eastern edge of the kerb would be located close to the trunk of a large street tree. Together with other works in the highway the Council consider that the extension to the access would be harmful to the health of the street trees. From my observations on site, both nearby trees are surrounded by hard surfacing, but both appeared to be healthy and thriving.
11. I acknowledge the comments of the Council's Tree Officer that in their opinion the proposed access would be likely to have an adverse impact on the two mature street trees. Nevertheless, in this case the work required to form the extended crossover would not be extensive. Furthermore, the appellants Arboricultural Impact Assessment 2016 demonstrates that the dropped kerb would be on the edge of the trees root protection area. As a result the proposed works would not pose a health issue to the tree. As such, and in the absence of a more detailed assessment from the Council, I consider that the proposal would be unlikely to have an unduly harmful effect on the well-established, mature trees.
12. The final element of the proposed scheme is the provision of eight car parking spaces within the front garden. Plan ref Fb15-1201-SK01-B shows that this together with the formation of the access way from Vivian Avenue along the side of No 3 would require the removal of the existing lawn, most shrubs, hedging and trees. This would leave only very limited planting within the front garden, including two trees protected by a Tree Preservation Order.

13. I appreciate that the lawn itself cannot be seen from Pelham Road, nevertheless the shrubs and hedge together with the trees clearly denote a garden area to the front of the building, which is visible from public view. Its replacement with car parking, while retaining the open nature of the site would nevertheless harm the garden setting of the building. Although a limited number of properties along the road have modern infill development and some have car parking within part of the frontage, most also retain a garden area immediately adjacent to the main building on site.
14. I acknowledge that part of the lawn has already been hard surfaced to allow for a dry sitting out area in association with the offices. However, to my mind this forms part of the garden setting that would not be available to future occupiers if the area were to be used for car parking. The appellants state that it is the intention to introduce a low level box hedge around the parking area. However, this would take some time to establish and would not be sufficient, on its own, to compensate for the loss of the garden area.
15. I have given some consideration as to whether a condition requiring a landscaping scheme to be submitted and implemented could be imposed to make the development acceptable. However, the proposed layout on plan FB15-1201-SK01-B shows little room available for planting to compensate sufficiently for the loss of garden area.
16. The proposal would therefore lead to the loss of boundary treatment and the front garden area of the property both of which are important features of the CA contributing to its historical significance and giving it a verdant character with a sense of enclosure. It would therefore have an adverse impact on the character and appearance of the CA. In this instance I consider that the harm to the character and appearance of the CA would be less than substantial. This needs to be balanced against any public benefits the development may bring.
17. The building has prior approval for its conversion from office use to residential use under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (6/00778/PACPD). The appellant argues therefore that the provision of on street parking, close to the flats would increase safety, accessibility and the attractiveness of the building for long term residential use which is in any case the original optimum use of the building. Furthermore, it would prevent an increase in on street parking which may lead to issues of highway safety and have a harmful effect on the character and appearance of the street.
18. The Council consider that adequate parking for the development already exists within the site, in the form of the large car park accessed from Pelham Road, where the 10 proposed parking spaces could be accommodated. While I saw this to be the case, the appellant states that this would not be available in the future for the residential accommodation.
19. At the time of my site visit, in the late afternoon, car parking was easily available on street. I appreciate that is only a snap shot in time. However I have been provided with no evidence to suggest that there is a problem with off-street parking in the area. Accordingly, I am not persuaded that any addition, as a result of on-site parking not being available, would cause significant harm to highway safety or the character and appearance of the street.

20. While the provision of on street parking would be more convenient for residents, off street parking would be available on Pelham Road. I have seen nothing to suggest that the area suffers from high levels of crime which may affect the safety of occupants. I therefore give the benefits suggested by the appellant limited weight. The Framework notes that heritage assets are an irreplaceable resource and that great weight should be given to their conservation. The provision of off street parking would not therefore in this instance outweigh the resulting harm to the CA.
21. I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the Sherwood Rise Conservation Area contrary to Policies BE12 of the Nottingham Local Plan 2005 (LP), and Policies 10 and 11 of the Greater Nottingham Aligned Core Strategies Part One Local Plan 2014. These require, amongst other things that development preserves or enhances the character or appearance of Conservation Areas and has regard to local context.
22. The Council also refer to saved Policy NE6 of the LP within its decision. However this Policy relates to trees protected by a Tree Preservation Order. Both parties agree that the proposal would not be harmful to the two protected trees on site and therefore it would be in accordance with the requirements of this Policy.

Conclusion

23. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR