
Appeal Decision

Site visit made on 17 July 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/P3040/W/17/3172365
70 Wilford Road, Ruddington NG11 6EY

- 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 Mascari Design Solutions Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref 16/02080/FUL, dated 12 August 2016, was refused by notice dated 18 November 2016.
 - The development proposed is the demolition of the existing building and the erection of two detached dwellings and associated landscape.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mascari Design Solutions Ltd against Rushcliffe Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appellant has raised concerns about a number of factual inaccuracies within the Officer's report. I understand that this is subject to a formal complaint which the Council are in the process of investigating. In determining the appeal I have only had regard to the planning merits of the case.
4. Following the refusal of the application which is the subject of this appeal, another application on the site for an amended scheme was submitted. This was refused by the Council, and this decision is also the subject of an appeal¹. Whilst this has been determined at the same time, it is the subject of a separate Decision.

Main Issues

5. The main issues in the appeal are:
 - Whether or not the proposed development would provide adequate living conditions for future occupiers with particular regard to outdoor space;
 - The effect of the proposal on highway safety; and

¹ Application Reference 16/03097/FUL and Appeal Reference APP/P3040/W/17/3172366

- The effect of the proposed 2 bedroom dwelling on the living conditions of nearby residents with particular regard to outlook, sunlight and light.

Reasons

Living Conditions – Future Occupiers

6. The appeal site is located on the corner of Wilford Road and St John's Road. It is currently occupied by a two storey building with a variety of outbuildings to the rear. It is proposed to demolish all the existing buildings and replace them with 2 dwellings: a 4 bedroom dwelling fronting Wilford Road, and a 2 bedroom dwelling at the rear.
7. Policy 10 of the *Rushcliffe Local Plan Part 1: Core Strategy (adopted December 2014)* (RCS) indicates that the amenity of occupiers or nearby residents is a matter that needs to be taken into account in assessing developments. In particular, Policy GP2 of the *Rushcliffe Borough Non-Statutory Replacement Local Plan (adopted December 2006)* (RLP) requires that sufficient space is provided in new developments to accommodate the proposal together with ancillary amenity and circulation space.
8. More detailed guidance is provided in the *Residential Design Guide Supplementary Planning Document (adopted March 2009)* (SPD). This indicates that gardens of 110 sqm should generally be provided for detached houses and of 55 sqm for 1 and 2 bedroom properties. Whilst the SPD does accept that a variety of housing and gardens are required, where the guidelines are not met it has to be demonstrated why smaller gardens are acceptable, and gardens smaller than the footprint of the dwelling are unlikely to be considered acceptable. Although the RLP and SPD are of a certain age, they are broadly in accordance with the *National Planning Policy Framework* (the Framework) and I give them weight accordingly.
9. The 4 bedroom dwelling would be provided with outdoor space to the side and the rear of the property, as well as roof terraces at both first and second floor level. The 2 bedroom property faces into the site and it would have a garden area to the front of the dwelling. The appellant has calculated that the larger dwelling would have a total of 98 sqm of amenity space, and the smaller house would have 36 sqm (both excluding the parking spaces). However, these figures are disputed by the Council who state that useable garden space for both houses would be considerably lower.
10. Given these disputed figures, I have determined the appeal on the basis of the plans before me, and what I observed on my site visit. However, even if one accepts the appellant's figures, the outdoor space for both dwellings would still fall below the guidelines in the SPD, and in addition, that provided for the 2 bedroom would also be significantly smaller than the footprint of the dwelling.
11. The 4 bedroom dwelling would only have a small traditional garden area at ground floor level. The plans show a lawned area to the side of the house and a paved area to the rear. As the latter would be situated between the house and one of the parking spaces, this would reduce the attractiveness and usability of this space. Whilst the property would also have two roof terraces these would be accessed via bedrooms, which could potentially restrict access and the usability of these spaces at certain times of the day. Moreover, as the outdoor space would be fragmented and each one limited in size, it would not

- be as suitable as one larger area would be for the many different activities that usually take place in domestic outdoor space. Overall, I am not satisfied that the amount of space provided is commensurate with the size of the dwelling.
12. The 2 bedroom dwelling would have a small garden area adjacent to the main living area for the property, and an area under the overhang adjacent to the entrance to the property. Although both these areas would be private, as the latter would be in the shade for the majority of the day and located between the parking space and the front door, the usability of this space would be limited.
 13. It has been highlighted that the site is within a short walk of the edge of the village and the open countryside beyond it, as well as to a park and a recreation ground. Nevertheless, in this case, I am not persuaded that other open space nearby is sufficient to compensate for the limited space provided on the site.
 14. I appreciate that the appellants, as the proposed future occupiers of the properties, only want small garden areas, and consider the amount and type of space would be acceptable. However, it is important to provide satisfactory living conditions for all future occupiers of the properties, and in this case I am not satisfied that the dwellings would be provided with adequate levels of useable outdoor space. Whilst I note the suggestion that the 2 bedroom house with a limited garden would create a property that would cater for the needs of elderly people, there is no indication that future occupation would be restricted to such people.
 15. In support of the appeal my attention has been drawn to another development in the village where development was permitted despite the houses having very small amounts of outdoor space, and also to the fact that an outline application on the site for 2 semi-detached houses was also approved despite having garden sizes that fell below the SPD guidelines. I do not know the full circumstances that led to these proposals being accepted, but the Council have highlighted a number of differences which indicate that they do not represent a direct parallel to the appeal proposal. In particular, as the previous application on the site was made in outline with all matters reserved, the plans were only illustrative. In any case I have determined the appeal on its own merits.
 16. All in all, I consider that the proposed development would not provide adequate living conditions for future occupiers with particular regard to outdoor space. Therefore it would be contrary to Policy 10 of the RCS and Policy GP2 (c) and (d) of the (RLP) outlined above. It would also conflict with the core planning principle (paragraph 17) of the Framework that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Highway Safety

17. The appeal site is located in a predominantly residential area. Whilst some houses have off-street parking, others, including the row of terraced houses on Savages Row, do not. Demand for on-street parking in the area is therefore high. The Council have indicated that normally two off-street parking spaces per dwelling are required. Whilst 2 spaces would be provided for the 4 bedroom dwelling only 1 space would be provided for the other. As such, the

Council consider that the proposal would be likely to create demand for additional on-street parking.

18. However, the site is located within walking distance of both the centre of the village which has a good range of shops and services, and bus stops that provide a regular service to Nottingham. Given these locational characteristics, and the size of the dwelling, I consider that the proposal would be likely to be attractive to people who are less dependent on a car, and so the provision of 1 parking space would be acceptable. Therefore the proposal would be unlikely to significantly increase the demand for on-street parking, and so would not have any subsequent impact on highway safety in the area. My conclusion in this regard is supported by the decision made in a subsequent application on the site² that is also subject to an appeal, where no objections were raised on highway safety grounds, despite the fact that this dwelling would still only have 1 parking space.
19. Therefore, I consider that the proposal would not be detrimental to highway safety. Accordingly, there would be no conflict with Policy GP2 (b) of the RLP which requires that developments are provided with adequate parking.

Living Conditions – adjacent occupiers

20. The 2 bedroom dwelling would be located on the boundary of the site with the surrounding roads. This part of the site is currently occupied by single storey outbuildings. The scale and mass of the proposed dwelling would be greater than the existing outbuildings, but given the surrounding area comprises mainly 2 storey dwellings, a building of this scale and mass would not appear out of keeping with the wider area.
21. The front elevation of the houses on Savages Row would be about 7.4m from the rear elevation of the 2 bedroom dwelling. However, the design of the dwelling which incorporates low eaves height and a roof that slopes away from the properties opposite would ensure that the dwelling would not have an overbearing impact on the occupiers of these houses. Moreover, in accordance with the SPD, the proposed dwelling would not infringe the 25 degree angle measured from 2m above ground level on these adjacent houses. Therefore, I am satisfied that it would not unacceptably harm the light or sunlight to the windows on the front elevations of these dwellings.
22. As a result I consider that that proposed 2 bedroom dwelling would not adversely harm the living conditions of nearby residents with particular regard to outlook, sunlight and light. Consequently there is no conflict with Policy 10 of the RCS or Policy GP2 (d) of the RLP which, amongst other things, require that developments do not have a detrimental impact on the amenity of nearby residents.

Planning Balance and Conclusion

23. The Framework sets out in paragraph 47 that to significantly boost the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. The appellant has stated that the Council cannot do this as the latest figures show a 3.43 year supply. This has not been disputed by the Council.

² Application reference 16/03097/FUL

24. As outlined above the site is in an accessible location, and the proposal would result in the re-use of a previously developed site. The construction of the dwelling would provide some temporary work for local contractors, and spending by future occupiers would benefit the local economy. However, given the size of the development these benefits would be limited. In addition, the proposal would make a very small contribution to housing supply in the area. These are all matters that, together with the letters in support of the proposal, favour the scheme.
25. In the absence of a 5 year housing land supply paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date. In circumstances where relevant policies are out of date, paragraph 14 of the Framework indicates permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
26. Although, I have found that the proposal would not be detrimental to highways safety or to the living conditions of nearby residents, an absence of harm in these regards is a neutral factor. In this case, whilst I have given consideration to the benefits of the scheme, these are significantly outweighed by the adverse impact that would be caused by not providing adequate living conditions for future occupiers. Therefore, for the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR