
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 /17/3172366
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 16/03097/FUL, dated 20 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is the demolition of the existing buildings on the site and the erection of two 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 Matter

3. Prior to the submission of the application which is the subject of this appeal, a previous application for a similar proposal on the site had been refused by the Council. This application 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 Issue

4. The main issue in the appeal is whether or not the proposal would provide adequate living conditions for future occupiers with particular regard to outdoor space.

Reasons

5. 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 3 bedroom dwelling fronting Wilford Road, and a 2 bedroom dwelling at the rear.

¹ Application Reference 16/02080/FUL and Appeal Reference APP/P3040/W/17/3172365

6. 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.
7. 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.
8. The 3 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 88 sqm of amenity space, and the smaller house would have 24 sqm (both excluding the parking spaces). However, the Council have calculated that the amount of useable garden space, particularly for the larger dwelling, would be considerably lower.
9. Given the 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.
10. The 3 bedroom dwelling would have a small garden area to the side of the house and a terrace area to the rear. However, as the latter would be limited in size, and would be situated between the house and one of the parking spaces, this would reduce the attractiveness and usability of this space. The property would also have two roof terraces, but as one of these would be accessed via a bedroom, this 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. Given this, I am not satisfied that the amount of useable outdoor space provided is commensurate with the size of the dwelling.
11. The other property would have a garden area to the front of the dwelling as well as a narrow terrace around the house, but the size of the latter is such that it would mainly just provided access rather than any useable space. As such the amount of the useable outdoor space is limited in size.
12. 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.

13. 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.
14. 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.
15. 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.

Planning Balance and Conclusion

16. 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.
17. 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.
18. 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.

19. 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