
Appeal Decision

Site visit made on 11 July 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/N3020/W/17/3172299
64 Main Street, Calverton NG14 6FN

- 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 Mr David Bond against the decision of Gedling Borough Council.
 - The application Ref 2016/0884, dated 3 August 2016, was refused by notice dated 22 November 2016.
 - The development proposed is one new detached dwelling (dormer bungalow).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of this appeal the appellant has submitted an amended plan (Drawing reference 2757/003 Rev J - proposed plans and elevations). The amended plan (Rev J) addresses a previously identified discrepancy at the time of decision between application plans regarding a type of window. I accept that this was a minor clarification. However Rev J has also altered the red line boundary of the appeal site to incorporate the area marked as 'turning zone' immediately to the rear of No 64 Main Street. At the time of the Council's decision the 'turning zone' was shown on drawing reference 2757/003 Rev E as being within a blue line and outside of the application site. Rev J constitutes a significant change to the appeal site boundary which is material to aspects of dispute in this appeal.
3. Having regard to the principles established in case law I consider that prejudice would arise to consultees and neighbours who have not had the opportunity to comment upon the amended plan. Therefore I have determined this appeal on the basis of the plans and information that were before the Council when it made its decision.
4. On the copy of the development plan policies provided by the Council there was an annotation which suggested that Policy H16 of the Gedling Borough Replacement Local Plan may no longer be in force. Clarification was sought and the Council has confirmed that Policy H16 has been replaced by Policy 10 of the Aligned Core Strategy for Gedling Borough. I have determined the appeal on this basis.

Main Issues

5. The main issues are whether the proposal would have a satisfactory relationship with the existing uses within No 64 Main Street, including access

and parking arrangements; and the effect on the living conditions of the occupiers of No 62 Main Street, with particular reference to daylight.

Reasons

Relationship with No 64 Main Street

6. The appeal site lies to the rear of No 64 Main Street within the Calverton Conservation Area (CCA). No 64 is a large, two storey detached property, previously extended to the front and rear, fronting directly onto the street. The ground floor is the commercial premises of the 'Calverton Fish Bar', incorporating a takeaway and a customer dining area. The customer entrance is on the front from Main Street. A door in the rear elevation provides direct access into the food storage and preparation area. The first floor contains 2 self-contained residential flats both accessed from a single door at ground floor level in the centre of the rear elevation. To access the rear of No 64 there appears to be a narrow pedestrian access on the eastern elevation, alongside Nos 60 and 62. There is also a wider access along the western elevation between nos. 64 and 66, which is the proposed driveway for the appeal scheme.
7. The appeal site is an open and undeveloped area. At the time of my site visit I saw that the rear portion was in the process of naturally regenerating with a variety of grasses, recently cut. The front part of the site was bare earth. It appeared to be used as general amenity space for the occupiers of No 64. A metal storage container was positioned parallel with the side elevation of No 62.
8. The siting of the proposed bungalow directly behind No 64 would constitute tandem development. The appeal proposal does not indicate how the existing occupiers of No 64 are to gain access to their respective premises, or how the 'Calverton Fish Bar' would receive deliveries to their rear door. Although I note that the appellant suggests that servicing for the 'Calverton Fish Bar' could be via the front door. As this is the customer entrance this would appear to be unsatisfactory and unnecessary given that they have a rear access directly into their storage area.
9. The proposed access arrangements for the appeal proposal would use the existing vehicular access from Main Street. It runs in between the fence of No 66 and the western elevation of No 64 and then wraps around the back of No 64. It is around 4 metres wide at the entrance gates but narrows to about 2.5 metres at the rear elevation of No 64.
10. It is apparent that Council's highway related reason for refusal was based upon the assumption that the existing access would need to serve the proposed new dwelling and the existing occupiers of No 64. The appellant indicates that the access would however only serve the new dwelling. This access arrangement would be satisfactory to serve a single dwelling, but would be insufficient in width to serve two or more unconnected properties having regard to the Highway Authority standards.
11. A turning area is shown, albeit outside of the application site, which could enable vehicles associated with the proposed dwelling to satisfactorily manoeuvre to exit on to Main Street in forward gear. A defined turning area could be secured through an appropriate planning condition.

12. There is some dispute between parties regarding the on-site car parking provision for both the new dwelling and for the existing occupiers of No 64. No designated areas for parking or servicing are shown for either the flats in No 64 or the Calverton Fish Bar. However, I note that no parking provision has been previously secured for either of these uses through relevant planning decisions. Whilst I understand the concern of the Council, with regard to the issue of on-site parking, on the evidence before me I must conclude that the access is only intended to serve the appeal property. Consequently the access width and the on-site parking provision would meet the relevant standards.
13. The site lies in a part of Main Street where there are a number of uses including the 'Calverton Fish Bar,' 'The Cob Stop,' 'Keith's Barbers,' and across the road from the site access, lies St Wilfrid's Primary School and neighbouring Church. These uses are likely to result in traffic generation and on-street parking.
14. Main Street is a busy thoroughfare, at the time of my site visit, which is only a snapshot in time; the street exhibited a continuous flow of through traffic travelling in both directions. There were significant levels of on-street parking. It would be reasonable to assume that the level of traffic and on-street parking would increase at certain times of the day. For example at the beginning and end of the primary school day.
15. Photographic evidence has been presented to me, supplemented by the dates and times, to illustrate the volumes and nature of the traffic along Main Street. This reflects what I saw myself.
16. I saw from my site visit that two cars were parked within the site. One on the access parallel with the western elevation of No 64, and the other parked in parallel to the rear elevation of No 64 facing the western elevation of No 62. I accept that the occupiers of No 64 may not have any rights to park on the appeal site, the inevitable displacement of these vehicles were this appeal proposal allowed would increase the level of on-street parking within this busy part of Main Street. The additional on-street parking arising from this displacement would not however result in harm to highway safety. I find that with regard to access and parking the appeal proposal would not conflict with saved Policy ENV1 of the Gedling Borough Replacement Local Plan (2005) (RLP) which seeks to ensure that proposals do not adversely affect the amenities of adjoining occupiers by the level of traffic generated and that safe and convenient access if available.
17. Although the access and parking arrangement are acceptable the appeal proposal would nevertheless represent an over intensive form of development for the site. The introduction of a dwelling would not function well with the existing commercial premises of No 64. The access and turning arrangements demonstrate an unacceptable interrelationship between the proposed layout and the rear of the commercial premises. This would be likely to constrain the effective operation of the 'Calverton Fish Bar.' In addition the proposed use of a turning area directly in front of the only access for the flats would result in potential conflict with their residential use.
18. I find therefore that the appeal proposal would have an unsatisfactory relationship with the existing uses within No 64 Main Street. This would be contrary to Policy 10 of the Aligned Core Strategy for Gedling Borough (2014)

(ACS), and saved Policies ENV1 and H7 of the RLP, which amongst other things, seek to prevent development adversely affecting neighbouring uses.

Living conditions of No 62 Main Street

19. The rear elevation of No 62 Main Street runs along the eastern boundary of the appeal site and contains one obscure glazed window at ground floor level facing the turning area. The northern side elevation has windows at both ground and first floor level. The existing boundary treatment is a fence approximately 1.8 metres high which would be sufficient to prevent any overlooking at ground floor level. However, the proposed siting of the bungalow would result in a form of development that is unduly overbearing and would lead to unacceptable overshadowing of the ground floor windows on the northern elevation of No 62.
20. I find that the proposed bungalow would harm the living conditions of the occupiers of No 62 with reference to daylight. This would be contrary to Policy 10 of the ACS and Policies ENV1 and H7 of the RLP, which amongst other things, seek to prevent development adversely affecting the living conditions of adjoining occupiers.

Other matters

21. The appellant has indicated that the Council does not have a five-year housing land supply. However, no detailed evidence has been presented by either party. Even if there were to be no demonstrable five-year housing land supply the harm that I have identified would significantly and demonstrably outweigh the benefits of the provision of a single dwelling.
22. I note the concerns of third parties regarding flooding and drainage. The Council has stated that the site is not in an area at risk from flooding and I have no evidence to lead me to conclude otherwise. Drainage matters could be dealt with through the imposition of suitable planning conditions, if I had been minded to allow the appeal.
23. Reference has been made to the potential for structural damage to existing properties during construction. This would be a matter for the Building Regulations process together with reference to Party Wall legislation.
24. As the site lies within the CCA I have had regard to the statutory duties set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council concludes that the proposal would have a neutral effect on the Conservation Area and I see no reason to disagree.

Conclusion

25. For the reasons given above, I conclude that the proposed new dwelling would have an unacceptable relationship with neighbouring properties. It would also harm the living conditions of the occupiers of No 62 Main Street, with particular reference to daylight.
26. The appeal is dismissed.

Rachael A. Bust

INSPECTOR

