
Appeal Decision

Site visit made on 18 July 2017

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/N3020/D/17/3177308

6 Jessops Lane, Gedling, Nottingham NG4 4BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jamie Gleeson against the decision of Gedling Borough Council.
 - The application Ref 2017/0154, dated 27 January 2017, was refused by notice dated 20 April 2017.
 - The application sought planning permission "to create both ground and first floor extensions and a detached garage" without complying with a condition attached to planning permission Ref 2016/0148, dated 10 June 2016.
 - The condition in dispute is No 2 which states that: the development hereby permitted shall be carried out strictly in accordance with the approved drawings which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.
 - The reason given for the condition is: to ensure that the development is carried out in accordance with the details as approved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application sought to vary Condition 2 of the original planning permission in relation to the repositioning of the previously approved garage towards the front boundary and to make alterations at the rear of the enlarged dwelling. The Council raised no objections to the proposed alterations to the dwelling and this appeal therefore focuses on the matter in dispute, which is the location of the garage.
3. The garage has been erected, but was incomplete at the time of the site visit.

Main Issue

4. The effect of the garage on the character and appearance of its surroundings.

Reasons

5. The levels in and around the appeal site fall towards the north-east. The site is higher than the neighbouring detached bungalow at No 8, and lower than No 4, a two-storey detached house. Furthermore, the Council estimates that the level

of the appeal site is some 1m above the road level. The detached garage has been built forward of the previously approved position and is around 1.2 m from the front boundary wall.

6. In both the approved and proposed locations, the garage would be visible within the street scene. Nonetheless, the garage has been built closer to the back of pavement and this location, when combined with its elevated position, means that the garage is unduly prominent and incongruous within a road where the majority of other dwellings and outbuildings are set back from the front boundary. The sinking of the garage into the ground has not minimised these effects. The visual dominance of the garage and its poor relationship with the surrounding properties is noticeable on both approaches along Jessops Lane, particularly from the nearby junction, and when viewed from the opposite side of the road.
7. The proposed external finish of the garage would not affect these conclusions, nor would the suggested erection of a front boundary wall and gates and other fencing. It appears that landscaping of the frontage with trees and shrubs is required by Condition 5 of the original planning permission. However, there is limited space between the garage and the front boundary for any meaningful screening landscaping to be provided or to thrive. But in any event, landscaping does not justify development which should in itself be acceptable.
8. The height and length of the garage's side elevation are considerably above the height of the boundary wall leading to an oppressive effect on pedestrians walking past the site. This is contrary to the aims of Policy 10 of the Aligned Core Strategy: *Design and Enhancing Local Identity* which among other things requires new development to make a positive contribution to the public realm and sense of place, including through the creation of attractive and safe environments and through reinforcing valued local characteristics such as street patterns and the position of buildings and the layout of spaces. The appeal development is also contrary to the similar development criteria set out in Policy ENV1 of the Replacement Local Plan (Further Saved Policies 2014). For the same identified reasons the proposal conflicts with the National Planning Policy Framework which requires good design and with which the above policies accord.
9. The Council states that there would also be conflict with the similar objectives of Policy LPD 35 of the Council's emerging Local Plan Document: *Safe, Accessible and Inclusive Development*. Although I have not been provided with a copy of this document or information as to whether it has been adopted since the decision on the appeal application was made, this has not been disputed.

Other Matters

10. According to the appellant, neighbouring occupiers are concerned that the siting of the approved garage would reduce the amount of daylight reaching their front windows. However, the impact of the garage on neighbouring occupiers would have been addressed by the Council when it approved the original proposal. There is limited other evidence about this matter and in any event it does not outweigh the concerns set out above.
11. The appellant states that at least 3 off-street parking spaces could be provided by moving the garage forwards. However, the Council's officer report states that in the approved and proposed schemes there is parking provision for up to

3 vehicles, including within the garage. The access to the highway is not altered and from the evidence provided I can see no reason why only the proposed location of the garage would enable the appellant's small children to enter or exit vehicles safely on the driveway. Furthermore, there is no evidence to indicate that manoeuvring onto and off the site safely was a concern with the approved scheme or that the Council had concerns about other aspects of highway safety or parking, including by the congregation of the nearby church. These factors can therefore be given only limited weight in this decision.

12. The relocated garage would screen the appellant's large commercial vehicle and he considers that this would be more attractive than parking the vehicle on the drive or in the road. However, the parking of this vehicle would be temporary and future occupiers of the property may not have a similar vehicle. The proposed garage would be permanently in the streetscape and for the reasons stated it is unacceptable. There are other measures which can be taken to protect the appellant's work tools and their security is not dependent on the relocation of the garage from its approved position.
13. There is some support from neighbouring occupiers for the amended position of the garage. However, for the reasons I have set out the appeal to vary Condition 2 should be dismissed.

Elaine Benson

INSPECTOR