
Appeal Decision

Site visit made on 7 November 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 20 November 2017

Appeal Ref: APP/Q3060/W/17/3180789

Land comprising 36 Russell Drive, Nottingham NG8 2BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Dunn against the decision of City of Nottingham Council.
 - The application Ref 17/00097/POUT, dated 16 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is to demolish existing bungalow & construct three dwellings (resubmission).
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is made in outline with all matters reserved for future consideration. An indicative site plan has been submitted which I have had regard to in reaching my findings.

Main Issues

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of 34 Russell Drive, with regards to privacy and overlooking.

Reasons

Character and appearance

4. The appeal site comprises of a detached dormer bungalow and a detached garage on the corner Russell Drive and Liddell Grove. The surrounding area is characterised by two storey post-war detached and semi-detached residential properties with front gardens and off-street car parking provision, formed by a driveway and or a garage. There is some variation in the style and appearance of these properties. Shrubs form part of the site's boundary with Russell Drive which is lined by mature street trees.
5. Properties on Russell Drive to the east and west of the appeal site form a distinctive building line that varies little along the north side of the road. To the west of the appeal site is 1 Liddell Grove, which is a detached dwelling positioned in-between the rear gardens of 38 Russell Drive and 61 Russell Avenue. In tandem with the appeal site and 59 Russell Avenue, they positively contribute to a spacious entrance to properties on the north side of Russell Drive. Russell Avenue and Russell Crescent are characterised by two storey

- detached and semi-detached properties which are spaced at regular intervals. They form a tight-knit form of development with small landscaped front gardens and off-street car parking provision.
6. Given the development that has been applied for, the detailed consideration of how the dwellings may look or be laid out would be matters to consider in a reserved matters planning application. Even so, I do need to be satisfied that the proposal could relate in an acceptable manner to the site and the area.
 7. The appellant concedes that the separation distances between each dwelling shown on the indicative plan would be less than plots in the immediate vicinity of the site on Russell Drive and Liddell Grove. While there are smaller separation gaps between dwellings on Russell Avenue and Russell Crescent, the proposed dwellings do need to respond to the characteristics of Liddell Grove in particular, even if it is not part of, or near to, a designated heritage asset.
 8. I recognise that the first floor of each dwelling could be set back and varied roof lines could be used to allow for larger separation distances between each property. There may also be alternative ways of developing the site. However, I do not consider three dwellings of a size and style reflective of the local area could be accommodated on the appeal site whilst reinforcing the spacious character of Liddell Grove. While No 1 is an infill development, the proposed number of dwellings would not reflect the density or pattern of development established along the western side of Liddell Grove. Thus, I am not satisfied that the proposal would not be cramped and an overdevelopment of the appeal site, even if I attached a planning condition removing permitted development rights.
 9. The appearance of the dwellings would be a matter to consider in a reserved matters application. I note that the existing garage does not follow the building line of properties on Russell Drive, and that there is potential for trees and shrubs to supplement the proposed development through the use of planning conditions. Even so, due to the number of dwellings proposed, the development would be unlikely to respond to the front building line of properties on the north side of Russell Drive. Therefore, I am not convinced that the proposal could successfully respect the building line and address the respective street scenes, without appearing cramped or overdeveloped.
 10. While the proposal would take place in a Primary Residential Area, I conclude, on this issue, that it would significantly harm the character and appearance of the area. The proposal would not accord with Policies 8 and 10 of the Aligned Core Strategy Part 1 Local Plan (ACS) and saved Policy H2 of the Nottingham Local Plan. Among other things, these jointly seek development to be compatible with and reinforce valued local characteristics so that it makes a positive contribution to a sense of place.

Living conditions

11. The appeal property has a dormer window in its rear elevation overlooking the rear garden of No 34. This is not an unusual relationship given the layout and proximity of residential properties to one another in the area.
12. Although reference is made to two approved schemes¹ to extend the appeal property, I do not have the full details of these cases. I therefore give them little weight. The indicative plan suggested that the proposed dwellings would

¹ Council Application Refs: 03-02543-PFUL3 and 91/01516/PFUL3

back onto the flank elevation of No 34 or its rear garden. There is a single obscure glazed window at first floor in the flank elevation of No 34. The property also benefits from a part single part two storey rear extension. The outlook from this extension is into the property's rear garden. While views towards these windows are likely from at least one of the dwellings, they would be at an angle and at the furthest point away from the rear elevation of No 34. Mature landscaping or boundary treatment could also help screen views from the ground floors of these properties.

13. The indicative plan shows that the appeal site could potentially accommodate three dwellings with rear gardens about 12 metres deep. The rear gardens would generally be shorter than neighbouring plots. Furthermore, the proposed dwellings would more than likely result in a greater number of windows facing No 34. Nevertheless, the proposed dwellings could be designed to lessen any overlooking to a level not dissimilar to the existing relationship.
14. I therefore conclude on this issue that the proposed development would accord with ACS Policy 10; which seeks to ensure development is assessed in terms of its impact on the amenity of nearby residents or occupiers.

Other matters

15. I have had regard to the appellant's concerns about the Council's handling of the planning application, the weight attached to the indicative plan and the lack of communication. I also note the proposal was amended in response to the Council's refusal of an earlier planning application (Ref: 16/02272/POUT). However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its merits.
16. Despite concerns about highway safety and limited parking provision, the appellant has demonstrated that each dwelling could offer car parking in accordance with the Council's standards. Unrestricted on-street parking could also be used on Liddell Grove. Occupiers could also make use of the cycle lane and regular bus services on Russell Drive.
17. Although the extra dwellings could potentially result in noise and disturbance, this is not likely to cause harm to residents. There is also no substantive evidence to show that extra vehicle movements would result in adverse air pollution. Despite concerns about loss of light, details of the dwellings scale, appearance and layout are not matters before me.

Conclusion

18. I have found no harm from the proposal in relation to living conditions. The scheme would also result in a modest benefit from the net gain of two family dwellings on a windfall site that would contribute to boosting the supply of housing. These are outweighed, however, by the harm that I have found in relation to the scheme's impact upon the character and appearance of the area. The proposal would not be sustainable development.
19. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR