



Appeal Decision

Site visit made on 19 December 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 3 January 2018

Appeal Ref: APP/Q3060/W/17/3179677

**Land west of 1 and 2 Kenwood Court, Mansfield Road, Nottingham
NG5 2EL**

- 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 Puri against the decision of City of Nottingham Council.
 - The application Ref 16/02661/PFUL3, dated 21 November 2016, was refused by notice dated 24 January 2017.
 - The development proposed is a new build bungalow.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Nos 1 and 2 Kenwood Court are two units converted from a large detached house set within a large garden. Planning permission¹ has been granted for the provision of three further units (Nos 3, 4 and 5) within the garden west of the house, and another permission² was granted for some kennels to be converted into a sixth unit in front of the house. Units 3, 4 and 5 are shown on the drawings, but at the time of my site visit construction work on them had only just begun.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, which is within the Mapperley Park and Alexandra Park Conservation Area (MPAPCA), including the effect on protected trees.

Reasons

4. The MPAPCA is strongly characterised by large grand buildings set in spacious and verdant plots. Indeed the Character Appraisal and Management Plan for the MPAPCA states that the gardens to large detached villas make a significant contribution to the character and appearance of the conservation area, and that trees are a key component of the historical development of the conservation area.
5. From the details provided, units 3, 4 and 5 would have a very modern appearance incorporating flat roofs, unorthodox window design and generally a

¹ Ref 07/01206

² Ref 16/02599

very angular form. However they would be of a height and scale that would be comparable to that of some of the other dwellings locally. Unit 6 is single storey, but has accommodation at roof level, and has a similar footprint to the three dwellings under construction. Though the new units have utilised much of the garden of the original house, they would each have their own reasonably sized gardens, which would not be inconsistent with the size of other gardens nearby.

6. The proposed detached bungalow would be sited in the garden to the side of what would be the house at unit 5. Although this may not be the main part of the garden to this property, it would nonetheless provide useful amenity space and would contribute to the house's spacious setting. The bungalow would be considerably smaller than units 3, 4, 5 and 6 in terms of its footprint and significantly lower in height due to its single storey nature and almost flat roof. It would therefore contrast starkly with the rest of the development at Kenwood Court.
7. The development would bend around the front of its plot leaving a minimal gap to unit 5 and a similarly narrow gap to the entrance gates which serve the whole of Kenwood Court. Although this would complement the courtyard layout which would be created by the other buildings at Kenwood Court, it would appear to almost completely fill the space to the side of unit 5 resulting in the bungalow having a cramped appearance, emphasised by its diminutive size and height in relation to the emerging adjacent dwelling. In this respect also, it would contrast harshly with the more expansive settings of other detached dwellings in the MPAPCA.
8. In addition, due to the topography, the brick wall on the boundary, which appears around three metres in height when seen from Mansfield Road, is around one metre in height when seen from within the site. Although there are some bushes alongside this wall, the dwelling would be clearly visible above the wall in the Mansfield Road street scene. In this context its modern design and form would appear incongruous with the more traditional dwellings that line this road. Conversely, the dwellings at units 3, 4, and 5 are set deeper into the site and would be more screened from the road by trees.
9. Turning to the effect on trees, it is clear that some of the trees identified on the Tree Preservation Order 1982 plan, and G14 identified on the Tree Constraints Plan within the Arboricultural Report, have already been removed. The site block plan also identifies a protected tree (T31) which was not there at the time of my site visit, although this plan also fails to show many of the trees on or near the appeal site that are present including those referred to in the appellant's statement, so its accuracy with regard to trees is questionable.
10. The appellant suggests that it is likely that two existing trees, a beech and a holly (T15 and T13 respectively on the Tree Constraints Plan) would need to be removed to facilitate the dwelling. The holly is located towards the end of the existing driveway and, though has limited presence in the Mansfield Road street scene, it adds to the green and leafy nature of Kenwood Court. The beech stands at the front of the driveway, is elevated above the level of the pavement and appears prominently in the street scene. The loss of these trees, particularly the beech, would be harmful to the verdant character and appearance of the vicinity and the wider MPAPCA which prevails despite the loss of some trees at the site previously.

11. Though I acknowledge the majority of the trees on the site would be retained protected, and could be supplemented by additional planting, this would not mitigate for the loss of these mature trees.
12. In summary, I consider the development would harm the character and appearance of the immediate area, the street scene and the wider MPAPCA by virtue of its incongruously small scale, cramped appearance, modern design and the resultant loss of important trees.
13. It therefore would fail to accord with BE12 of the Nottingham Local Plan (NLP) and Policy 11 of the Aligned Core Strategy (ACS) which both require proposals to conserve or enhance the character or appearance of conservation areas. It would also conflict with Policy NE5 of the NLP which seeks the protection of existing trees, and Policy 10 of the ACS which states that development must have regard to the local context. It would also conflict with the contents of the Character Appraisal and Management Plan for the MPAPCA as previously described.
14. However, the harm to the significance of the MPAPCA would be less than substantial and therefore it is necessary, in accordance with paragraph 134 of the National Planning Policy Framework, to consider any public benefits from the proposal.
15. The site is well located in terms of access to public transport and other goods and services, and it is not inappropriate for higher density residential development to be provided in such locations. I also recognise there would be some economic benefit to the local economy during the construction phase. The single storey nature of the dwelling would render it suitable for disabled occupiers, and I accept that the provision of a one bedroom unit would contribute to a mix of housing types in this area which predominantly accommodates larger houses. However, in total, I consider these benefits are limited and do not outweigh the harm that the proposal would cause to the character and appearance of the MPAPCA.

Conclusion

16. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR