



Appeal Decision

Site visit made on 30 September 2019

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/N3020/W/19/3234515

Land at 18 Kighill Lane, Ravenshead, Nottinghamshire NG15 9HN

- 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 John Harris against the decision of Gedling Borough Council.
 - The application Ref 2019/0129, dated 10 February 2019, was refused by notice dated 24 May 2019.
 - The development proposed is a 5 bedroom, two storey detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form has updated the site address and I have included the updates accordingly.

Main Issue

3. The main issue is the effect on the character and appearance of the area, including existing trees.

Reasons

4. The appeal site consists of land associated with No 18 Kighill Lane, which was formerly part of its spacious plot. However, the site has now been subdivided from No 18 and forms part of the rear garden of No 16 Kighill Lane, a two-storey dwelling that has been recently constructed under planning permission ref 18/1004. The site includes an existing single storey outbuilding with associated hardstanding close to the north eastern side boundary on land which gradually slopes upwards towards the rear boundary. A dense grouping of mature and semi-mature trees lie beyond the rear boundary fence and also along the north eastern boundary both within the site and immediately beyond it. There are also a number of ornamental trees within the site.
5. The site forms part of housing allocation X5 in the Gedling Borough Local Planning Document Part 2 Local Plan (Part 2 LP), adopted July 2018, which adjoins a further housing allocation H18 towards the junction with Longdale Lane that currently consists of open fields. The area has a variety of different properties which face Kighill Lane, including a mix of detached two storey dwellings and bungalows of varied style, scale, form, materials, architectural detailing, building lines and a transition of building heights that broadly follow a gradual upward slope of land levels in both northern and western directions.

6. Notwithstanding the differing features of properties within the street scene, the immediate surroundings of the site maintain a distinctive linear pattern of development which is a typical arrangement of the semi-rural fringe of Ravenshead beyond the main built envelope that lies further to the north on the opposite side of Longdale Lane. In those respects, the characteristic spacious plots on the north western side of Kighill Lane have been somewhat eroded by recent infill development along the highway frontage. However, the relatively long rear gardens remain a feature with a noticeable verdant character arising from an abundance of trees within and surrounding the gardens which affords a sense of tranquility and relief from built form. The views of the rear gardens are largely screened from public vantage points but are visible from the rear elevations of the properties from which they make a positive contribution to the character and appearance of the immediate setting.
7. With regard to the above, a tree survey was not provided as part of the application or this appeal. In that respect, there is no evidence that the trees and mature planting within the site and immediately adjacent are subject to protection and they may not be of significant value as individual specimens. In particular, the trees within the middle sections of the site are largely ornamental and therefore, could be removed with little effect on the verdant surroundings. However, the presence of the groups of trees to the rear and along the side boundary provide visual containment of the site. In that respect, they make an important contribution to the backdrop of a landscaped setting with adjacent woodland when viewed across the grassed fields at lower levels from both Kighill Lane and Longdale Lane when close to their junction.
8. The proposal would introduce a dwelling in a backland location with a tandem arrangement with No 16 and it would be accessed via a driveway between Nos. 16 and 18. When viewed from the highway frontage of the site, the dwelling would only be glimpsed in the narrow gap between Nos. 16 and 18, due to its set-back position behind No 16. In that regard, the varied architectural style, scale, proportions and materials of buildings in the surroundings along Kighill Lane offers a potential opportunity for a dwelling with a modern and contemporary design as proposed, particularly given the similarity with some features of No 16. However, the dwelling would reduce the overall depth of the existing rear garden of No 16 and, therefore, would disrupt the characteristic spaciousness of the area. As a consequence, its siting beyond the remaining rear garden of No 16 would be a prominent and incongruous feature when viewed from the rear elevations of neighbouring properties relative to the longer surrounding gardens. The resultant scale, form and massing of built form arising from the introduction of a dwelling in the location proposed would result in harm to the character and appearance of the area.
9. In the context of the above, to my mind, it is also reasonable that the siting of the proposed dwelling would likely require deeper excavations, including for foundations, than those that may have been required for the existing outbuilding that it would replace. Based upon observations during my visit, the footprint of the proposed dwelling would include a significant section of the crown spreads and therefore, root protection areas of a number of the trees along and adjacent to the north eastern side boundary. In that regard, there is no specific evidence before me that suitable engineering measures to construct the building in close proximity to those trees, including any foundations, would be feasible whilst preserving the health and longevity of the trees that would be closest to the footprint of the dwelling. In such circumstances, I consider

that the siting of the dwelling would be likely to be detrimental to the long-term health of those trees and would likely result in their removal or loss either during or soon after the construction period.

10. A loss of trees along the north eastern boundary adjacent to the dwelling would harmfully disrupt the continuity of the established landscaping that runs from Kighill Lane alongside the site and transitions into the wooded area at the rear. Furthermore, it would increase the prominence of the proposed dwelling when viewed from public vantage points close to the junction with Kighill Lane and Longdale Lane. Consequently, from those perspectives, the dwelling would be viewed as a dominant and incongruous feature in a backland position on raised land levels beyond the linear pattern of development on the north western side of Kighill Lane. The constrained separation distances between the dwelling and the north eastern boundary of the site would limit the potential for suitable replacements should the existing trees be removed or lost. Therefore, I am not satisfied that the harmful effect of the development on the character and appearance of the area could be mitigated by an alternative landscaping scheme.
11. In reaching the above findings, I have taken into account that I observed limited examples of backland and tandem developments elsewhere along Kighill Lane including within an agricultural unit further to the south west and a separate property accessed via a long private drive on the opposite side of the road. Nevertheless, I do not have the full details of the circumstances which led to those properties being developed or the development plan policies which applied at the time. Furthermore, I observed that their position and layout are very much the exception within the locality and do not represent a direct parallel with the proposal before me or the harm I have identified. In addition, the presence of a number of other examples of tandem, backland and infill developments were drawn to my attention in the wider area of Ravenshead on Sheepwalk Lane, Main Road, Milton Crescent, Church Drive, Linwood Crescent, Longdale Lane and Nottingham Road. However, I observed that each of those examples are some distance from the site and in locations with a different character and therefore, have little influence on the prevailing pattern of development within Kighill Lane as experienced in close proximity to the site and its immediate surroundings. The presence of the examples drawn to my attention and the varied character and arrangement of some properties nearby, therefore, do not justify the harmful effect of the proposal I have identified.
12. The appellant has also referred to Policy LPD67 of the Part 2 LP that lists housing allocations on Longdale Lane including H18 for 30 homes nearby, together with allocation X5 for 20 homes and allocation X6 for 30 homes further along Kighill Lane. In that respect, I note that development plan policies do not specifically preclude backland or tandem development and that there may be a possibility of such a form of development taking place within each of the housing allocations in the future. However, to my mind, a comprehensive or alternative form of development of the available land within allocation X5 where the site is located and in neighbouring allocations may be capable of either avoiding or mitigating the harm to the character and appearance of the area that would otherwise result from the proposal before me. I, therefore, have necessarily considered the proposal on its own merits.
13. Having regard to all of the above, I conclude that the proposed development would significantly harm the character and appearance of the area. The

proposal, therefore, conflicts with Policy 10 of the Greater Nottingham (Broxtowe Borough, Gedling Borough and Nottingham City) Aligned Core Strategies Part 1 Local Plan, adopted September 2014, and Policy LPD35 of the Part 2 LP. The policies, when taken together and amongst other things, seek a layout and form of development which establishes a coherent and consistent building line and setback that relate to the street alignment with massing, scale and proportions appropriate to the immediate context, site constraints, character of adjoining streets, spaces, the setting, the location within the townscape and the character of the landscape. The policies are consistent with the design objectives of the National Planning Policy Framework to which the proposal also would not accord.

Other Matters

14. The development would make a positive contribution to the supply of housing in an existing residential area that is in a relatively accessible location with public transport provision, services and facilities nearby. The development would also have benefits for the local area through Council tax revenue and support for local services. In addition, there would be temporary economic benefits with respect to the necessary construction works associated with the proposal. However, the contribution to housing supply from the scale of development proposed would be limited and any associated social, economic and environmental benefits, including in terms of net gains in biodiversity as intended by the appellant, do not outweigh the harm identified.
15. The access to the site and parking arrangements within the submitted plans reflect safe and satisfactory arrangements for the scale of development proposed which would not harm highway or pedestrian safety. The development would also provide for a satisfactory living environment for future residents including suitable internal living space and adequate amenity space. Moreover, the proposed dwelling has been carefully designed to ensure a satisfactory relationship with surrounding properties. Consequently, subject to conditions to achieve suitable boundary treatments, it would have adequate separation to surrounding properties to preserve the living conditions of their occupiers in terms of outlook, light and privacy. I am also satisfied that the limited vehicle movements associated with the use of the new driveway would not result in significant noise and disturbance for occupiers of the nearest neighbouring dwellings at No 16 or No 18. However, the absence of concern in those respects is a neutral factor. Furthermore, the presence of a letter of support does not outweigh the harm identified.

Conclusion

16. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR