



Appeal Decision

Site visit made on 29 January 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/J3015/W/19/3240373

232 Queens Road, Beeston, Nottingham NG9 2BN

- 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 Sheng Shi against the decision of Broxtowe Borough Council.
 - The application Ref 19/00272/FUL, dated 24 April 2019, was refused by notice dated 30 July 2019.
 - The development proposed is described as 'to erect a three storey side extension to the existing house, to convert existing house into 9 (five 2 bed and four 1 bed) apartments; and to provide six parking spaces and new vehicle and pedestrian entrances.'
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of existing and future occupiers with specific regard to privacy, provision of floor space and demand for car parking.

Reasons

Character and Appearance

3. The appeal site is a substantial, roughly square flat parcel of land within the curtilage of No 232 Queens Road. A high wall and fence, which includes a gated pedestrian access, surrounds the site along its boundaries with Queens Road and Dagmar Grove. No 232 is one half of a pair of fairly traditional two storey bay fronted semi detached dwellings set back from and facing Queens Road. There are two storey and single storey extension out to the rear. The building also has a second frontage that faces Dagmar Grove, across the appeal site. This includes two pairs of two storey bay windows flanking a covered entrance door.
4. The appeal scheme would extend the exiting building to the side, towards Dagmar Grove, in the form of a three storey extension. It would also add size to the first and ground floor of the rear of the building, including adding a first floor to the return at the rear of the site. A box style dormer window would be added to the rear roof slope of the existing building.

5. The proposed development would add a considerable amount of new build to the site and as an extension it would clearly lack any form of subservience to the existing dwelling. That said, its design would make it appear deliberately different to the building to which it would be attached. When factoring in the use of a recessed narrow link it would be read as a separate building. The appeal site is also large and expansive and would be more than capable of accommodating the scale of the proposed additions.
6. I do nonetheless have some concerns over some design elements. Dormer windows are a feature of the area and can be seen on the street facing elevations of surrounding roofs. However, they tend to be narrow and contained, subservient features of a roof slope, often using pitched gable style roofs. The dormers in the rear of the new extension would be read as being part of a deliberately contrasting modern new build element but the one proposed for the rear of the existing building would appear overly large, bulky and dominating, arguably not befitting of a building of more traditional proportions, shape or configuration. Given the openness of the appeal site and how visible the side and rear elevations of the resulting building would be from Dagmar Grove, there would be a degree of obviousness in the public realm that would exacerbate the design impact of this dormer.
7. Dwellings in the area, including the existing building, are a mix of styles but they nonetheless have an even rhythm and defined, in many cases, symmetrical pattern to their fenestration. Indeed, this would be reflected in the proposed Queens Road facing elevation of the three storey extension. The rear facing elevation of this new section would have narrow vertical windows off set from the right hand side when viewed from Dagmar Grove. Whilst I appreciate that, along with the use of a flush elevation and small simple box style dormer windows in the roof this is a deliberate contrast to a more traditional form of dwelling, on the same building it strikes me as odd and uncomfortable, as does the use of an oversailing first floor. Again, a factor emphasised by how visible the rear elevation would be due to the building being erected on a corner plot.
8. The existing flat roofed single storey return extension at the far rear of the plot would be enlarged and have a first floor added to form a single one bedroom flat. Whilst this would eliminate an unsightly flat roofed extension of notable size, it would be replaced by what would appear as a stand alone building with an asymmetric roof. Owing to this, its size in relation to the remainder of the building, the use of random window locations and contrasting external treatment it would appear as something of an awkward bolt on to the building.
9. The front elevation of the three storey side section of the extension appears to seek to emulate the forward projecting gables of the terrace of buildings that front Queens Road on the opposite side of Dagmar Grove. Whilst this in itself is a worthy approach, I feel that the width of this section pushes the gable features up and they would appear steep, emphasising the extension's height along with the tall narrow third floor windows. This would, for me, dominate what is a prominent corner plot and appear noticeably larger than both the existing building and the terrace opposite.
10. Whilst I do not object to the actual outer dimensions of the extensions themselves when compared to the existing building, there remain a number of design elements that, when taken together, result in a series of mismatched

compromises to fit the plot and maximise internal space and a building that appears as an unfortunate combination of traditional and deliberately contemporary features. It is for this reason that, taking into account my comments above, the appeal scheme would cause harm to the character and appearance of the area. Such that there would be conflict with Policy 10 of the ACS¹ and Policy 17 of the Local Plan². Between them, and amongst other things, these policies seek to ensure that new development should be designed so as to make a positive contribution to the public realm and integrates into its surroundings.

Living Conditions – Existing Occupiers

11. The Council appear to be concerned about how the appeal scheme would have first and second floor windows overlooking neighbouring gardens and that it would lead to a loss of privacy, particularly for occupiers of No 6 Dagmar Grove and No 230 Queens Road. These dwellings are located to the rear and side of the appeal site respectively.
12. The new first floor rear facing windows to the appeal scheme would be located on the rear elevation of the three storey side section. They would serve habitable rooms and offer views towards the rear garden of No 6 Dagmar Grove. However, such views would be interrupted by the new first floor of the return section I have mentioned above, which itself is a further single plot width away from said garden. This aside, I am of the view that the obliqueness of the angle of the windows and distance relative to the garden to No 6 would be further mitigating factors to any loss of privacy. I have little doubt users of the garden to No 6 would be able to see first floor windows in the rear of the new extension and thus perceive being overlooked but given these other factors I do not feel this would be sufficient to resist the scheme.
13. There would be second floor windows in both the new extension and the roof of the original dwelling in the form of dormer windows. Whilst at a higher vantage point and thus giving more open views, I remain to be convinced that, in the case of the new dormers in the extension, they would be close enough to have a material effect on the privacy of the users of the garden to No 6. Whilst to a lesser extent, views would still be interrupted by the return extension as well as them being set at the same angle to the first floor windows.
14. The new dormer in the roof space of No 232 would bring about a fresh view from a higher vantage point. I appreciate that occupiers would probably be able to see rear gardens from it. That said, A chimney stack and mirroring built development on the rear of No 230 would go some way to reducing available views and distance would again be a factor to any views materially affecting the privacy of No 6 Dagmar Grove. In addition, it seems to me from looking at the proposed plans that most views here would be of the end of the garden to No 6 where generally people would have a lesser expectation of privacy in any event.
15. I do not consider that the proposed extension works would be overbearing to neighbours given that the main section would be set a good distance away and there is also noticeable amounts of existing built form sitting closer to the

¹ Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies Part 1 Local Plan (2014)

² Broxtowe Borough Council Part 2 Local Plan 2018-2028 (2019)

boundaries of Nos 6 Dagmar Grove and 230 Queens Road to the extent that users of garden spaces would be well used to being somewhat 'hemmed in'.

Living Conditions – Future Occupiers

16. The Council question whether the provision of internal space is sufficient. Specifically, this would be in relation to Studio 09 (in the roof space of No 232) and Duplex 03. There is comment in the Council's evidence of the floor area in each unit being a noticeable amount below the government's National Space Standards (NSS). I have not been passed a copy of the NSS as part of the appeal documentation but the appellant does not appear to dispute the Council's claims in this regard. Although the appellant does point out that the NSS have not been adopted by the Council's development plan. With this in mind, the NSS would be a material consideration albeit only to the extent of considering whether, by virtue of the units falling below their stated minimums, harm to the living conditions of occupiers would arise.
17. To that end, and taking Studio 09 first, this is a small but well laid out unit, likely based around single occupancy given its size that contains a bedroom, separate shower room and open plan living/kitchen/dining space with storage. The former would be served by a wide dormer window and the latter by roof windows in the front elevation of No 232. According to the Council's evidence, it would be 5 square metres below the expressed minimum of the NSS. Be this as it may, the layout of the unit does not strike me as either contrived or cramped and sufficient circulation space would be available for a single occupant. I feel that the use of only one vertical window in the bedroom would be less than ideal as it would offer no outlook from the open plan living space but given the unit is aimed at single occupancy, a view from the bedroom would be just about sufficient.
18. In the case of Duplex 03, this would be arranged within a two storey section projecting out from the rear of the existing dwelling. It would have an open plan kitchen/diner and living space on the ground floor along with a WC and two bedrooms and a shower room on the first floor. According to the Council's evidence, this would fall below the expressed minimums of the NSS by 8 square metres. This is however assuming that duplex 03 would be occupied by three people. For me, this would be better suited to two people sharing and given its location in amongst other flats and with limited outdoor space unlikely be suitable for families. Accommodation is arranged over more than one floor and there seems to be ample circulation space around the spacious open plan ground floor.
19. The Council mention the fact that the appeal scheme does not provide for outdoor amenity space but equally note that the expectation therefore would be different in flatted developments. I am inclined to agree. The Council have also brought to my attention one of my colleague's decisions for a development concerning the creation of flats at 147-151 Queens Road³. Whilst I was not party to this decision, as part of their deliberations on the matter of the living conditions of future occupiers my colleague seemed to find the provision of internal floor space unacceptable when comparing it to the NSS. Albeit I do note that this scheme sought planning permission for a higher number of flats and floor space was deficient by a higher amount in a greater number of cases than would be so in the case before me. I do not consider therefore that this

³ Planning Inspectorate Reference APP/J3015/W/19/329670

example is sufficiently similar to the case before me, such that I would reach a different conclusion on the matter of the living conditions of future occupiers.

Living Conditions – Car Parking Demand

20. The appeal scheme would provide for six parking spaces within its curtilage. Altogether, there would be nine individual units provided. There is restricted parking on street on Queens Road. Side roads like Dagmar Grove are of limited width but parking on street is unrestricted. The same appears to go for Thyra Grove and Waldemar Grove which with Dagmar Grove form a rough square, and Alexandra Crescent East to the opposite side of Queens Road.
21. Whilst the appeal scheme would not provide for a single space per unit, the standards set out were contained within a now superseded policy. The Council's Highways advisors, whilst making comment on the appeal scheme, did not object to the level of parking provision. The appeal site is well connected in terms of public transport and a local centre is a short walk away. The appellant has also provided a survey of on street parking locally and found that, whilst admittedly a snap shot in time, demand during night time hours is not high on surrounding streets for which, even in the event each unit had access to its own car, a capacity of three more cars would be needed. Given the location of the proposed development I do not feel this would be the case but equally it does not seem on the strength of what is before me that additional on street parking demand arising out of the proposed development would exceed current capacity to the point that living conditions would be adversely affected.
22. Taking this and the above factors into account I conclude, in regard to this main issue, that the appeal scheme would not give rise to harm to the living conditions of either existing or future occupiers. Such that the proposed development would not be contrary to Policies 10 of the ACS or 17 of the Local Plan which, between them and amongst other things, seek to ensure that new development will be assessed in terms of its impact on the amenity of nearby residents or occupiers and ensures a satisfactory degree of amenity for occupiers.

Other Matters

23. Whilst the situation may have been different at the time the planning application was determined, it seems to be common ground between the main parties that the Council is now able to demonstrate the supply of housing sites as required by the Framework⁴. With this in mind I am not taken to the so called tilted balance set out by paragraph 11 which accordingly requires me to consider relevant policies out of date. However, it remains that the appeal scheme would provide for new housing which would add to choice and mix locally. Be this and its associated knock on effects in social and economic terms clear benefits of the scheme, given the scope and nature of the harm that the appeal scheme would give rise to I do not consider that such a modest contribution to new housing would be capable of 'winning the day' in the overall balance.

⁴ The National Planning Policy Framework 2019

Conclusion

24. I have found that no harm would arise from the second main issue but this lack of harm, by its nature, cannot be used to weigh against it. Accordingly, it would be neutral in any balance. The harm the proposed development would cause to the character and appearance of the area would remain, as would the resulting conflict with the development plan. Whilst considering other matters that have been raised by local residents, it is for the reasons I have explained in regard to the first main issue that the appeal is dismissed.

John Morrison

INSPECTOR