



Appeal Decision

Site visit made on 14 January 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/P3040/W/19/3236854

1 Covert Road, West Bridgford NG2 6GP

- 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 Ms Hall against the decision of Rushcliffe Borough Council.
 - The application Ref 19/00732/FUL, dated 18 March 2019, was refused by notice dated 28 May 2019.
 - The development proposed is 2-storey detached 2-bedroom domestic dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following submission of the appeal the Council formally adopted The Rushcliffe Local Plan Part 2: Land and Planning Policies (LP2) on 8 October 2019. The development plan therefore now consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS) and the LP2. I must assess the proposal against the development plan now in place. The appellant has been provided with a copy of the policies of the LP2 that the Council has cited as relevant to the appeal and I have taken any comments received into account as part of my considerations.
3. The Council suggests that Policy 12 (Housing Standards) of the LP2 is a material consideration. This policy sets out accessibility standards for developments of more than 100 dwellings and water efficiency standards for all new dwellings. Given that the proposal is for a single dwelling and that there is nothing before me to suggest that the water efficiency standard could not be met nor controlled by condition, this policy has not been material to my considerations under the main issues.
4. The Council's decision cited Policy GP2 of the Rushcliffe Borough Non-Statutory Local Plan, however, given the subsequent adoption of the LP2, this superseded policy has not had a bearing on my decision.

Main Issues

5. The main issues are:
 - whether the proposal would provide suitable living conditions for future occupants with particular regard to outlook and private outdoor space;
 - the effect of the proposal on the living conditions of occupants of No 1 Covert Road with particular regard to private outdoor space; and

- the effect of the proposal on highway safety on Stamford Road.

Reasons

Living conditions for occupants of the proposed dwelling

6. The design of the proposal incorporates all main habitable windows to the front elevation which sits close to the boundary with Stamford Road. The Council is concerned that the ground floor windows would face the existing boundary fence. A condition could be attached if planning permission were to be granted either seeking removal of the fence, or its replacement with a lower boundary treatment. However, the immediate foreground of the windows would be occupied by the existing communal parking spaces, with the public footpath and a bus stop situated just beyond the parking area. Consequently, these factors and the associated activity that would occur would be detrimental to the quality of outlook that would be experienced by occupants of the dwelling. This would be particularly harmful to the living conditions of future occupants given this is the only means of outlook provided at ground floor level.
7. The evidence before me indicates that the garden serving the proposed dwelling would be located a minimum 7.0 metres (m) from the principal windows serving No 1 Covert Road. In particular, the first-floor bedroom window serving No 1 would overlook the garden serving the proposed dwelling in relatively close proximity. This overlooking impact would result in some limited loss of privacy for occupants of the proposed dwelling. However, given a substantial boundary treatment could be put in place and the overall width of the proposed garden would allow for sitting out areas to be set away from the boundary, the degree to which privacy would be impacted upon would not on its own warrant refusal of the appeal. Nevertheless, this does not overcome my concerns in respect of the levels of outlook that would be provided.
8. To conclude the development would not provide suitable living conditions for occupants of the proposed dwelling with particular regard to levels of outlook. Consequently, in this regard, the development would conflict with Policies 1 (Development Requirements) and 11 (Housing Development on Unallocated Sites within Settlements) of the LP2 which amongst other things require that proposals are of a high standard of design, that sufficient space is provided within the site to accommodate the proposal with ancillary amenity and circulation space and that the amenity of occupiers of the proposed development would not be detrimentally affected by existing nearby uses. The proposal would also be contrary to Paragraph 127 of the National Planning Policy Framework which amongst other things requires that developments provide a high standard of amenity for existing and future users.

Living conditions for occupants of No 1 Covert Road

9. The Rushcliffe Residential Design Guide Supplementary Planning Document (2009) (SPD) recommends rear gardens with depths of 10.0 m with an area of 90 square metres (m²) for semi-detached and terraced properties. The proposal would result in the sub-division of the existing plot serving No 1. The private rear garden retained for No 1 would measure a minimum 7.0m in depth with an area of approximately 50.0 m².
10. Whilst I accept the figures in the SPD are guidance, the level of the shortfall in private rear garden space to serve No 1 indicates that the rear garden would

be particularly constrained relative to the size of the dwelling it would serve. A visual comparison with neighbouring plots emphasises the deficiency in private outdoor space that would be left to serve the dwelling at No 1. Front gardens are not commonly utilised as private outdoor space. Even if the hedges were allowed to grow higher, given the position of the front garden within the street with two boundaries with the public footpath and that a gap would need to be retained in the hedge to facilitate access to No 1, I am not persuaded that this would adequately compensate for the substantial reduction to the more private space to the rear.

11. Due to the limited depth of the rear garden that would serve No 1, areas available for sitting out would be in closer proximity to the rear boundary than is presently the case. Consequently, there would be an increased perception of activity between neighbouring gardens serving the existing and proposed dwelling and this would be likely to have a material effect on the levels of privacy experienced by the occupants of No 1. The shortfall in suitable private outdoor space would be further emphasised when factoring in other requirements such as space for hanging out washing.
12. To conclude, the development would not retain a suitable amount of private outdoor space for the occupants of No 1. Consequently, in that regard, the development would be contrary to Policies 1 and 11 of the LP2 which amongst other things require that proposals do not cause a significant adverse impact on the residential amenity of adjoining properties. For the same reasons, the proposal would also be contrary to Paragraph 127 of the National Planning Policy Framework.

Highway safety

13. The parking space that would serve the proposed dwelling would be positioned parallel with the boundary with Stamford Road. The position and width of the driveway would not provide space for the manoeuvring of vehicles within the site. Vehicles would therefore be likely to reverse on to Stamford Road when exiting the driveway. Parked vehicles in the communal parking bays would be likely to restrict visibility for drivers reversing out of the site. A mature street tree, a lamp post and a bus stop sign also sit close to the proposed access point on Stamford Road. These features are not shown on the block plan or visibility splay drawing provided by the appellant. However, they would combine with parked vehicles to further impede visibility for drivers reversing out of the site.
14. The Council has referred to Nottinghamshire County Council's Highway standing advice (2017) which includes under its suggested conditions for residential developments that visibility splays measuring 2.4m x 43m should be provided and that these shall be kept free of all obstructions, structures or erections exceeding 0.6 m in height above carriageway level. Given the site-specific factors identified, these requirements would not be met. I am not persuaded by the evidence before me or from what I saw on site that the safety of road users or pedestrians would not be at risk. Even acknowledging the fact that No 1 already uses this access point, this does not justify provision of a substandard access to serve a new dwelling with tighter internal access arrangements.
15. Taking the above factors into account, the development would result in risk for pedestrians and other users of the highway to the detriment of highway safety.

Consequently, in that regard, the development would be contrary to Policies 1 and 11 of the LP2 which amongst other things require that developments include a suitable means of access without detriment to highway safety. The proposal would also be contrary to Paragraph 109 of the Framework which states amongst other things that development should be refused if there would be an unacceptable impact on highway safety.

Other Matters

16. I note the appellant's concern with regards to the reference to 'backland development' in the decision notice and their contention that the proposal would have its own frontage on to Stamford Road. However, the Council's delegated report confirms their view that the overall design of the proposal would not have a significant visual impact and the development was not refused on the grounds of character and appearance. Whether or not the development constitutes backland development has therefore not altered my assessment of the main issues. There is no dispute that the site is sustainably located. The proposal would also remove a summerhouse of little architectural or historic merit. Even so, these matters do not overcome the harm identified.

Conclusion

17. For the above reasons, the appeal is dismissed.

M Russell

INSPECTOR