
Appeal Decision

Site visit made on 20 May 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 26th May 2020

Appeal Ref: APP/N3020/W/20/3247127

1 The Mount, Bestwood NG6 8TP

- 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 Sam Baldwin against the decision of Gedling Borough Council.
 - The application Ref 2019/0695, dated 22 July 2019, was refused by notice dated 13 December 2019.
 - The development proposed is construct a detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development set out above has been taken from the planning decision notice as this more succinctly and accurately describes the proposed development than that stated on the planning application form.

Main Issues

3. The main issues are: whether or not satisfactory living conditions would be provided for future occupiers of the proposed dwelling; the effect of the proposal on the living conditions of occupiers of the host property; and the effect of the proposal on the character and appearance of the area.

Reasons

4. No 1 The Mount is a semi-detached house. School Walk separates the side boundary from St Mark's Church. At the bottom of the garden is a private road. This provides vehicular access to the rear of Nos 1 – 8 The Mount, including to the large detached garage/outbuilding in the rear garden of No 1. A dwelling in this built-up location would not be unacceptable in principle provided other planning policies and material considerations were satisfied.

Living Conditions

5. The proposed bungalow would be positioned in the rear garden of No 1. Two car parking spaces would be provided for No 1, sited between the existing and proposed dwellings. The plan submitted with the appeal, Ref PFB-SW-C-AMENITY Rev A, indicates amenity space of 50 sqm for the proposed dwelling. However, this would be relatively shallow in depth and would be in a contrived 'L' shape partially wrapped around the proposed parking area for No 1. The proposed 70 sqm for the host dwelling would be arranged in a cramped and contrived reverse 'Z' shape, also shallow in depth and partially wrapped around

the parking area, and would include the narrow path to the side of the house. Moreover, it would be necessary to provide a splay to either side of the proposed parking spaces for No 1 to enable safe access and egress to and from School Walk. This would reduce privacy in both gardens due to overlooking from users of School Walk. For these reasons I conclude that the layout of the proposed amenity spaces would not provide adequate functional private gardens for the occupiers of the existing and proposed properties, whether or not the Council sets size standards for residential gardens

6. Privacy between the ground floor rooms of the existing and proposed properties could be achieved by a fence of suitable height. There would be some 17m between the rear elevation of the host and the proposed dwelling. To reduce the effect of overlooking from first floor windows the plan submitted with the appeal, Ref PFB-SW-C-APPEAL FLOOR PLAN Rev A, shows an en-suite bathroom and kitchen window would face towards the rear elevation of No 1 and the appellant has proposed that these could be obscure glazed. However, the kitchen includes a dining room for which obscure glazing would create a gloomy and unsatisfactory living environment. Moreover, a bedroom window would face the boundary fence across a narrow path which would be a poor outlook.
7. For the reasons set out above I conclude the proposal would not provide satisfactory privacy and outlook for future occupiers of the proposed dwelling and would have an unacceptable effect on the living conditions of occupiers of No 1. Accordingly there would be conflict with those parts of Policy 10 of the Gedling Borough Council Aligned Core Strategies Part 1 Local Plan 2014 (the Aligned CS); Policies LPD32, LPD33, LPD34, LPD35 and LPD40 of the Gedling Borough Council Local Planning Document Part 2 Local Plan 2018 (the Part 2 LP) and those principles of the National Planning Policy Framework (the Framework) in so far as they seek a good standard of amenity for existing and future occupants of land and buildings in terms of outlook, privacy and functional garden area.

Character and appearance

8. The proposed bungalow would replace existing outbuilding(s). The site lies within the Bestwood Conservation Area (the CA) near to St Marks Church. Its character derives from its development as a planned mining settlement associated with the development of the colliery and ironworks during the 1870s-80s together with a variety of protected and private public open spaces. The appeal site itself is a more modern dwelling and garden. Due to the small scale of the proposed bungalow it would have a neutral effect on the character and appearance of the CA, which amounts to its preservation. Nor would the replacement of the existing outbuilding(s) with the proposed bungalow have an adverse effect on the setting of the St Mark's Church across School Walk.
9. The proposed bungalow would be slightly larger, but not dissimilar in overall form and appearance, to the outbuilding in the rear garden of No 2 The Mount. The evidence indicates the proposed bungalow would not contravene the Technical Housing Standards – Nationally Described Space Standard (March 2015) floorspace requirements. In design it would be similar to bungalows on Oakleaf Close a short distance away. Accordingly, although most of the nearby dwellings are two storey, the form of the proposed dwelling would not be unacceptable.

10. The proposal would make good use of land but the existing garden and outbuildings are good uses in themselves. The proposal would improve the appearance at the junction of School Walk and the private road. However, whilst somewhat dated, the current appearance does not justify a proposal which is otherwise unacceptable.
11. Moreover, as calculated by the Council the proposal would result in a density of some 75 dwellings per hectare, which is well in excess of the density of some 38 dwellings per hectare of the properties on The Mount, and significantly in excess of the density of 25 dwellings per hectare recommended by Policy LPD33 of the Part 2 LP. In this respect the proposal would be out of character with the local area. Most particularly the proposal would rely on relatively small, cramped and contrived garden areas and unsatisfactory living conditions for future occupiers as described above. This is different to the large outbuilding which is ancillary to the dwelling at No 2. Overall, I conclude the proposal would amount to overdevelopment of the site which would have a harmful effect on the character of the area.
12. From what I have seen it appears that the appeal site is the only property on The Mount that could provide parking for both a host and proposed dwelling to meet the parking requirements set out in LPD 57 of the Part 2 LP. Accordingly in this case I do not share the Council's concern that allowing the appeal proposal would set a precedent for other proposals in the rear gardens of properties on The Mount.
13. Taking all of the above into account I conclude the proposal would have a harmful effect on the character and appearance of the area. It would conflict with Policy 10 of the aligned CS and Policies LPD32, LPD33, LPD34, LPD35 and LPD40 of the Part 2 LP and those principles of the Framework in so far as they seek to ensure development does not harm the character of the area.

Other Matters

14. The current occupier of the adjoining house at No 2 The Mount has expressed support for the proposal and there have been no objections raised by neighbours. However, this in itself does not justify an otherwise unacceptable proposal.
15. The appellant has expressed dissatisfaction with the time the Council took to decide the planning application. However, this does not go to the heart of the planning merits of the case and does not lead me to any different conclusion.

Conclusion

16. The proposal would add in a small way to the local housing stock and would generate some economic activity during the construction period and from spending by future residents. However, these matters do not outweigh the unsatisfactory living conditions that would result for existing and future occupiers of the existing and proposed dwellings; or the harmful effect on the character of the area. The appeal is dismissed.

S Harley

INSPECTOR