

Appeal Decision

Site visit made on 8 July 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/J3015/W/20/3250947

49 Clive Crescent, Kimberley NG16 2QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Bartram against the decision of Broxtowe Borough Council.
 - The application Ref 19/00784/OUT, dated 9 December 2019, was refused by notice dated 31 March 2020.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with the matters of access, layout and scale to be considered at this stage. Accordingly, I have assessed the appeal on the same basis and regarded any details of appearance or landscaping as being for indicative purposes only.
3. Revised plans were submitted to the Council during the course of the application, which were subject to further consultation. It is these revised plans that the Council based its decision on and I have done the same.

Main Issues

4. The main issues are the effect of the proposal on i) the character and appearance of the area; ii) the living conditions of neighbouring occupants, with respect to outlook; and iii) the living conditions of future occupants of the dwelling with respect to external space and noise.

Reasons

Character and appearance

5. Clive Crescent comprises a consistent layout of semi-detached pairs of two storey, red brick dwellings in linear patterns to either side of the street. The dwellings are generally set back into their plots with off-street parking, low estate-type boundary walls, fences and hedging to the front and good sized rear gardens. The regularity of the built form, both in scale and appearance, and the cul-de-sac arrangement which removes through traffic and lends a sense of privacy and tranquillity, contribute positively to what is a demonstrably suburban residential character.

6. The appeal site stands at the end of the cul-de-sac, where the plot of No 49 extends around the end of the turning head resulting in an L-shaped front garden. Due to the low brick boundary wall, the site is visible from the public realm and terminates the view down Clive Crescent.
7. The proposed dwelling would be a modest, L-shaped dormer bungalow. Its scale is evidently influenced by the spatial constraints of the site, as it would stand one metre from the rear boundary fence and as close as one metre from the side boundary with No 57 in the rear corner. In addition, part of the existing driveway to No 49 would be taken to form part of the garden. Due to these physical constraints, the proposal would be in stark contrast to the spacious, suburban layout which characterises the street, instead appearing squeezed into the site in a somewhat contrived manner. Moreover, the dwelling would be demonstrably smaller than its neighbours both in footprint and height, and so would contrast strongly with the regular scale and pattern of development on Clive Crescent. The impact of the dwelling would be exacerbated by its conspicuous position at the head of the cul-de-sac where it would be the focal point of views along the street and where the differences in scale and form relative to surrounding development would be readily observed.
8. The appellant suggests the bungalow would be a positive change to the street scene as it would replace an unused area of soil and grass. However, I saw that the area was reasonably maintained and did not detract from the appearance of the street. Moreover, the absence of development here serves to visually separate the built form to either side of the street, and adds to the sense of spaciousness common within suburban housing areas, whereas the proposal would erode this spaciousness and replace it with a harmful cluttered arrangement not reflecting the scale, form, plot size or linear arrangement of the built form which prevails strongly within the street.
9. My attention is drawn to the detached dwelling constructed adjacent to the appeal site, now known as 57 Clive Crescent, which was built on land formerly part of the garden of No 59. However, it is clear that significantly more land was available for this development which enabled the provision of ample front and rear gardens which compare to those at Nos 59 and 61. More importantly, the dwelling matches the height of the adjacent dwellings and stands aside No 59 in a continuation of the linear pattern of development. As such, there is little comparison to be drawn between this development and the appeal scheme.
10. For the reasons set out, I conclude that the proposed dwelling would significantly harm the character and appearance of the area, and would conflict with Policy 10 of the Aligned Core Strategies Part 1 Local Plan (September 2014)¹ (the ACS) and Policy 17 of the Broxtowe Part 2 Local Plan (October 2019) (the LP2), which together require development to, amongst other things, reinforce valued local characteristics, integrate into its surroundings and have regard to elements including massing, scale, street patterns, plot sizes, orientation and positioning of buildings and the layouts of spaces.

Neighbours' living conditions

11. The dwelling would be positioned close to the boundary with No 57, the front elevation of which would face the side elevation of the proposed dwelling. Presently, a thick conifer hedge screens the boundary and prevents views from

¹ Adopted by Broxtowe Borough Council, Gedling Borough Council and Nottingham City Council

No 57 into the appeal site; however, I note the correspondence from the occupants of No 57 that this hedge was left in place only whilst the dwelling was constructed, and that they intend to remove it due to its effect on light to their dwelling. Given its proximity and westerly position relative to No 57, I consider it a reasonably strong likelihood that the occupants would seek to remove or at least reduce the height of the hedge to improve light to their home. In any event, hedges are not permanent features and could be lost to damage or disease. Therefore, whilst the hedge as it stands would largely screen the dwelling, it is not within the gift of the appellant to maintain it as a permanent screen. Even if the hedge were only lowered in height, the proposed dwelling, due to its close position at around six metres away, would become unduly dominant in views from the front windows of No 57 and would have an enclosing effect on the front of the dwelling which would harm the outlook of the neighbouring occupants.

12. For these reasons, I find the proposal would significantly harm the living conditions of neighbouring residents, and would be contrary to Policy 10 of the ACS and Policy 17 of the LP2, which together require development to provide a satisfactory degree of amenity for occupiers of neighbouring properties.

Future occupants' living conditions

13. The constrained site area and position of the dwelling tight to the rear and side boundaries means the most functional external space would be limited to a small area to the side of the dwelling. I am not provided with any locally adopted space standards for garden areas, but the dwelling would be a modest, two-bedroom unit most suited to a single occupant or couple, for whom a large garden area may not be a necessity. Although landscaping is a reserved matter, I note the appellant indicates an intention to erect fencing around the perimeter of the site which, depending on the type of fencing proposed, would provide screening from public views and provide a degree of privacy for prospective users. Taking these factors together, I am satisfied that the proposal would provide a functional and reasonably private space for future occupants which would not detract from their living conditions.
14. I also note the concerns of the Council's Environmental Health department with respect to noise from traffic on the A610 dual carriageway which is located immediately to the rear of the site and which it considers would require glazing and ventilation to be designed to reduce noise ingress. Traffic noise was audible to me on site, and may prove distracting to some, but the dwelling and its garden would be located a similar distance from the A610 as neighbouring dwellings, including No 57, and I am not aware of any noise issues arising from occupants of these properties. I also note the layout would not include windows in the elevation facing the A610, and other measures could be secured by condition to prevent noise ingress into the dwelling. Therefore, I am not persuaded that noise from the A610 would be demonstrably harmful to future occupants of the dwelling.
15. For these reasons, I conclude that the proposal would not result in harm to the living conditions of future occupants, and in these respects the proposal would not conflict with the aims of Policy 10 of the ACS and Policy 17 of the LP2 to provide a satisfactory degree of amenity for occupiers of new developments.

Other Matters

16. The Council refers me to an appeal decision in support of its position. However, this decision relates to another local planning authority area, and whilst there are similarities in the Inspector's description of the site and proposal, I do not have full details of the proposal and cannot be certain that it is comparable to the appeal scheme, which I have considered on its own merits.
17. Although not a reason for refusal, the Council refers to outstanding concerns with respect to the parking arrangements for the proposed dwelling and No 49, in that parking for the former should be reduced to one car due to a lack of space for two vehicles to park side-by-side. However, given my findings in respect of the main issues, this would not be a determinative matter and it is not necessary for me to address it further.
18. No objection was raised by the Council in respect of land contamination, subject to condition requiring an investigative survey, but a lack of harm in this respect would be a neutral consideration weighing neither for nor against the proposal.
19. I recognise that the proposal would be located within a defined settlement where occupants would be able to access and contribute to local services and facilities by means other than the private car. The dwelling would also add to the housing supply and I note the appellant's view that it would be a type suitable for occupation by older people and would help address a shortage of such accommodation. The appellant also indicates a willingness to make the dwelling accessible for disabled occupants, internally and externally. However, I have no details as to what this would entail or how it would be achieved, and therefore I can afford it only limited weight.
20. Moreover, I am not provided with evidence to demonstrate a shortfall in the delivery of bungalows or housing in general. In any event, a single dwelling would make only a very modest contribution to the housing supply and would attract only limited weight in favour of the proposal. Benefits arising from construction activity and economic activity by future occupants would be similarly small in scale and attract only limited weight.

Conclusion

21. The proposal would result in conflict with the development plan, to which I afford significant weight. The other material considerations in this case, taken together, would not be sufficient to outweigh the conflict with the development plan and do not indicate that a decision should be made other than in accordance with it.
22. Therefore, for the reasons given, the appeal is dismissed.

K. Savage

INSPECTOR