



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/Q3060/W/20/3249500

Land Adjacent to 5 Forsythia Gardens, Nottingham NG7 2LW

- 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 Wayne Else (Else Properties Limited) against the decision of City of Nottingham Council.
 - The application Ref 19/02499/PFUL3, dated 8 November 2019, was refused by notice dated 10 March 2020.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans were submitted during the course of the application to reduce the width of the dwelling and omit a single storey wraparound extension at the side and rear, and it was against these revised plans that the Council determined the application. I have determined the appeal on the same basis.

Main Issue

3. The effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site forms part of an area of consistent residential development bounded by Penn Avenue to the north, Forsythia Gardens to the east and south and Gregory Street to the west, which is laid out with dwellings formed into several short terraces and one long terrace facing inwards to a T-shaped central open space providing pedestrian access to the dwellings. 5 Forsythia Gardens stands at the end of one of the short terraces by the entrance to the open space on Penn Avenue. Two short terraces on Penn Avenue to either side of this open space continue the pattern and style of the dwellings within Forsythia Gardens, including the asymmetrical zig-zag pattern to the rooflines which characterises many of the dwellings within this distinctive cluster of residential development.
5. The planned nature of the development is evident in the continuation of the open space, including the proliferation of trees and other greenery, as verges along Penn Avenue, and where the dwellings, including the appeal site, are set back from the road along a largely consistent building line which adds to the sense of spaciousness. The consistency of scale and design, and the integration

of natural features and open space contribute positively to the character and appearance of the area.

6. The proposed dwelling would be attached to No 5, extending the built form closer to Penn Avenue and forward of the building line maintained by the dwellings on the southern side of the street, including by the side elevation of No 5. As a result, the whole of the building would protrude into the open verge, where it would be highly prominent in views along Penn Avenue and would visibly interrupt the consistent alignment of the street in a rather crude manner. In my view, the narrow strip of open space which would be retained would not be sufficient to overcome the intrusive impact of the massing of the dwelling into the street scene, even if planted with greenery. Whilst I recognise that the side garden of the appeal dwelling is in private use, I saw it was laid to grass and enclosed only by low, open railings which mean it still appears as a continuation of the open verges and even if populated by garden paraphernalia, it would continue to contribute visually to the openness of Penn Avenue, in a manner the proposed dwelling would not.
7. The appellant advances the quality of the proposed dwelling's architecture. The design evidently draws inspiration from the design of the adjacent terrace and includes an asymmetric roof, small areas of timber cladding and matching brickwork to much of the facades. However, the dwelling would differ from its neighbours in a number of ways, most notably the prominent sloping roof facing Penn Avenue, the full height feature window to the side elevation, use of different brickwork and unaligned fenestration. A contemporary interpretation of the prevailing architecture can work in many cases, but in this instance, the dwelling would be attached to the existing terrace where the differences in design would be obvious and jarring. In my judgement, the contemporary architecture of the proposed dwelling would appear as an incongruous addition to the terrace which, taken together with its prominent position and the erosion of the characteristic openness of Penn Avenue, would detract harmfully from the strong consistency of the street scene. The inclusion of tall timber fencing to enclose the proposed rear garden would be a further prominent and incongruous feature which would conflict with the prevailing use of lower brick walls to enclose the rear gardens.
8. I am aware that the flatted buildings laid out in a formal crescent on the opposite side of Penn Avenue lie within the Old Lenton Conservation Area (the CA), the majority of which lies to the north of the crescent and comprises varied historic, mainly residential dwellings centred around Sherwin Road and Gregory Street, and which are out of sight of the appeal site. The Council has not alleged that the proposal would cause harm to the character and appearance of the CA, or its setting. I saw on site that, apart from views out from the side elevation windows of the nearest block on the crescent, views into and out of the CA were largely screened by mature trees on Penn Avenue and within the crescent, and the two sides of Penn Avenue read as quite distinct areas with little in common architecturally. Despite the harm I have found above, the dwelling would be read in context with the development on the southern side of Penn Avenue, and would not cause demonstrable harm to the character and appearance of the CA or its setting.
9. However, for the reasons set out above, I find that the proposal would significantly harm the character and appearance of the area. Accordingly, there would be conflict with Policy 10 of the Aligned Core Strategies Part 1 Local Plan

(September 2014)¹ and Policies DE1 and DE2 of the Nottingham City Land and Planning Policies Local Plan Part 2 (January 2020), 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, rhythm, plot sizes, orientation and positioning of buildings and the layouts of spaces.

Other Matters

10. No objection was raised by the Council in respect of the effect of the proposal on neighbours' living conditions, flood risk or highway safety, subject to recommended conditions in some instances. On the evidence before me, I have no reasons to conclude differently; however, a lack of harm in these respects would be a neutral consideration weighing neither for nor against the proposal.

Planning Balance

11. I recognise that the proposal would add to the housing supply as a windfall site for which the ACS makes allowance, and would be located within an established residential part of Nottingham where occupants would be able to access and contribute to local services and facilities by means other than the private car. However, the evidence before me does not indicate a shortfall in the supply of housing. Therefore, as the proposal is for a single dwelling, these benefits would be very modest in scale and attract only limited weight in favour of the proposal. The economic benefits arising from construction of the dwelling and spending by future residents would similarly attract limited weight given the small scale of the proposal. The encouragement of sustainable transport through a lack of dedicated parking space and provision of cycle spaces would be a further limited benefit.
12. Set against these benefits, there would be significant environmental harm arising from the adverse effect of the proposal on the character and appearance of the area. Consequently, the proposal would not achieve the three objectives of sustainable development set out in the National Planning Policy Framework.
13. In my judgement, the benefits of the proposal, taken together, would not amount to material considerations which would outweigh the identified conflicts with the development plan, to which I afford significant weight, and would not justify a decision being made other than in accordance with the development plan, taken as a whole.

Conclusion

14. Therefore, for the reasons given, the appeal is dismissed.

K Savage

INSPECTOR

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