



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: 03 August 2020

Appeal Ref: APP/J3015/W/20/3248099

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 19/00610/FUL, dated 24 September 2019, was refused by notice dated 20 December 2019.
 - The development proposed is a three storey side extension to the existing house; to convert existing house into seven (four two-bed and three one-bed) apartments; and to provide seven parking spaces and new vehicle and pedestrian entrances.
-

Decision

1. The appeal is dismissed.

Main Issues

2. Having regard to the Council's reason for refusal and statement of case, I consider the main issues are i) the effect of the proposal on the character and appearance of the area; ii) the effect on the living conditions of neighbouring occupants, with respect to outlook, privacy, noise, and parking demand; and iii) whether the flats would provide a suitable standard of accommodation.

Reasons

Character and appearance

3. The appeal relates to a semi-detached dwelling located on Queens Road, at the junction with Dagmar Grove. The dwelling benefits from a large side garden which is enclosed by a high boundary wall and fencing, but creates an open corner within the street scene. No 232 forms a pair with No 230, both traditional in style, built in red brick with front bay windows to the ground floor, and both extended to varying degrees at the rear. No 230 also benefits from an L-shaped rear garden which wraps around the rear of the appeal site.
4. My attention is drawn to a recently dismissed appeal decision¹ on the same site for a similar form of development and I have had regard to the Inspector's findings as a material consideration. In doing so, I recognise that consistency in the planning process is important and like cases should be decided in a like manner. However, it is also important that each case is determined on its own merits and on the basis of the evidence before the Inspector at the time, and in

¹ Appeal Ref: APP/J3015/W/19/3240373, dismissed 11 February 2020

terms of character and appearance, such determination ultimately involves a degree of judgement having regard to the evidence and observations on site.

5. The proposed extension would be undoubtedly large in size, and wider than the combined pair of Nos 230 and 232. It would also match the existing dwellings in terms of height and so would not appear subservient in scale, but has been designed so as to appear similar to a pair of semi-detached dwellings in its own right, and its legibility as such would be aided by the use of twin, two storey bay windows and a recessed, glazed link to connect the extension to the main building. I note my colleague Inspector reached a similar conclusion in respect of its legibility, and viewed from the front I would agree that it would be capable of being read as a separate building. From the rear, however, the L-shaped layout of the extended building would be clearly seen from Dagmar Grove and despite the inclusion of a recessed link to this side, it would appear as a single, substantial structure which would be considerably larger than surrounding development.
6. I agree with the previous Inspector that it is a spacious site capable of being developed. However, whilst the depth of the extension has been reduced slightly from the previous scheme, the width has not and it would still span across the majority of the site almost to the side boundary, resulting in the side building line standing well forward of the front building line of dwellings behind on Dagmar Grove. Whereas the scale of the building would not appear excessive in the context of Queens Road, its size and forward position would result in it appearing dominant and imposing within the street scene on Dagmar Grove, harmfully enclosing what is an open corner at present.
7. I note that elements of the design of the extension which concerned the previous Inspector have been omitted or amended in the scheme now before me, including the front gables, rear dormers, offset rear windows which are now ordered; the replacement of the oversailing first floor level with an undercroft design; the removal of an extension over the garage, and indeed removal of the garage itself which would result in a more co-ordinated design.
8. However, a flat roofed rear dormer is still proposed on the existing building, narrower in width than one considered by my colleague to be 'overly large, bulky and dominating', with its impact found to be exacerbated by its visibility from Dagmar Grove. Though narrower, the dormer would retain the flat roofed form and visibility from the street. Moreover, it would have an oddly offset window within the rear facing elevation which would appear discordant and draw undue attention to its presence. I accept that other flat roofed dormer windows exist on nearby dwellings, though some are not readily visible from the public realm. Nonetheless, from my own observations, the proposed dormer would be a harmful addition to the existing building which would fail to respect its traditional character.
9. I appreciate that the appellant has sought to address the 'oversailing' effect of the previous cantilevered roof by extending the side wall to form an undercroft. However, its height means the void at ground floor level would still be visible from the street scene through the vehicular entrance even if tall boundary treatments are installed. Other examples of undercrofts have been referred to me by the appellant, though they appear to be mainly functional access routes to the rear of buildings and not of the same size as the appeal scheme, where the undercroft would span across the whole extension and form a significant

feature in its own right. The need for an undercroft to provide space for parking and necessary storage facilities for bins and cycles adds to my impression of the development being squeezed onto the site in a rather constrained manner.

10. This is reinforced by the proposed car parking, which is increased from the previous scheme. Whilst the spaces and the layout may technically meet relevant size standards, they strike me as too tightly arranged. Space P01 is directly next to the side wall and could not be driven into unless the vehicle was first reversed into the site, and even then there appears to be little room to manoeuvre into the space safely. Conversely, a vehicle reversed in could not drive out of the space and make the turn out of the site due to its proximity. I have similar concerns with space P06 to the other side and space P07 beneath the undercroft. In general, the constraints of the layout suggest vehicles would have to undertake convoluted manoeuvres within or outside the site to access and leave the spaces, which adds to my concerns with the overall scale and form of the development.
11. Therefore, due to the significant size of the extension and cumulative massing of the development in a prominent location, the adverse visual impact of the undercroft and dormer window and the constrained car parking layout, I find that the proposal would be excessive in scale for its site and unduly dominant in the street scene on Dagmar Grove and would detract from the prevailing character of traditional semi-detached and terraced dwellings. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policy 10 of the Aligned Core Strategies Part 1 Local Plan (September 2014)² (the ACS) and Policy 17 of the Broxtowe Part 2 Local Plan (October 2019) (the LP2) which together require development to reinforce valued local characteristics, integrate into its surroundings and to be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over prominent in the street scene.

Neighbours' living conditions

Outlook and Privacy

12. The Council refers to the increase in the perception of neighbouring occupants feeling overlooked from the rear windows of the development which would face toward the rear gardens of 6 Dagmar Grove and 230 Queens Road. I viewed the appeal site from No 230 at my visit. The L-shaped garden of this property means that the proposed extension would be visible from the rear, although the covered seating area and the existing massing of No 232 mean that the proposed flats would not have direct views over the majority of the garden, including those parts closest to the dwelling itself and most likely to be used for outdoor activities. The garden at 6 Dagmar Grove lies beyond that of No 230 and behind a boundary fence and given the distance, angle of view and intervening structures, there would not be significant opportunities for direct overlooking of this garden. Moreover, the separation distance of the extension means that, whilst it would be partially visible from both gardens above the existing structures, I am not of the view that it would be close enough to cause a harmful overbearing effect.

² Adopted by Broxtowe Borough Council, Gedling Borough Council and Nottingham City Council

13. I also agree with the conclusions of the previous Inspector that views from the proposed dormer to the rear of No 232 would take in adjoining rear gardens, but that it would not be close enough or able to see parts of the gardens closest to the dwellings where expectations of privacy are greatest, and therefore I find this element would not be harmful to neighbours' privacy.
14. For these reasons, I am satisfied that the proposal would not result in demonstrable harm to the living conditions of neighbouring occupants in terms of outlook or loss of privacy.

Noise and disturbance

15. Separate concerns are expressed with respect to the potential for noise and disturbance from increased numbers of occupants on the site and commensurate increases in activity, including vehicular movements. I note the concerns of interested parties with respect to the effect on the adjoining occupants at No 230. The plans show three flats would share the party wall with the appeal site, but that two of those would be duplex units with living space on the ground floor and bedrooms to the first floor, which would reduce the likelihood of conflicting uses taking place across the party wall. I also note the Council's suggested condition requiring noise assessments to be carried out and mitigation measures undertaken where necessary prior to occupation of the units. In these respects, I am satisfied that the proposal would not harm living conditions for occupants of No 230.
16. More generally, I recognise that more occupants can increase the potential for activity which disturbs other residents. I saw Queens Road to be a busy thoroughfare with constant traffic, but that Dagmar Grove and the rear gardens themselves were reasonably quiet. Whilst the proposed parking may generate some noise from vehicles starting up and manoeuvring and car doors being closed, these would be intermittent and brief occurrences, and would not, to my mind, be demonstrably harmful to neighbours residing in an urban environment where such noises are likely to be already heard on Dagmar Grove and surrounding streets.

Parking demand

17. The proposal would provide seven parking spaces. No objection was raised by the Local Highway Authority to the level of parking proposed and it also represents an increase in parking relative to the previous scheme where six spaces were provided for nine units, which the Inspector found would be acceptable in light of the site's proximity to Beeston town centre and the availability of public transport on Queens Road. I note that my colleague was furnished with a survey of on-street parking, but such evidence is not before me. I have also had regard to several representations from interested parties concerned that the proposal would add to parking stress in the area.
18. I saw that parking on Dagmar Grove was reasonably heavy on both sides of the road, though not completely full. I viewed the site on a weekday in early afternoon, when parking demand tends to be lower than in the evening and at weekends, though I am aware that the Covid-19 situation may mean more people are at home and the levels of parking I saw may not be typical. Nonetheless, I understand residents' concerns that the proposal would add to parking stress on Dagmar Grove given parking is restricted on Queen's Road.

19. The site is well located to reach local services in Beeston on foot and central Nottingham can be reached by bus or tram, and that this may have an effect on the level of car ownership by future residents. However, it is not a guarantee that car ownership will be low, and there is no indication within the evidence that any mechanism is proposed which would formally restrict future occupants from owning a car. The current pandemic has affected public transport use significantly and given the spacious layout of several of the units and potential levels of occupancy, it is not unreasonable to consider that future occupants would cumulatively own more than seven cars. Moreover, given the constrained parking layout, the on-site spaces may not always be used first before occupants seek to park on the street. Seven flats would also generate additional trips by delivery vehicles who would likely park on street, which would add further to parking stress in the area.
20. However, I must also have regard to the fact that the site is well located to reach local services in Beeston on foot and central Nottingham by bus or tram, and that this may have an effect on the level of car ownership by future residents. It is also the case that at least some of the parking demand arising from the development would be accommodated on site. Overall, therefore, I am of the view that the proposal would generate at worst a limited additional demand for on-street parking, for which there appears to be sufficient capacity within Dagmar Grove and surrounding streets.
21. Therefore, having regard to all of the evidence before me, I conclude that the proposal would not result in an increase in on-street parking demand to such an extent as to demonstrably harm living conditions of neighbouring occupants.

Conclusions on neighbours' living conditions

22. Therefore, overall, I conclude that the proposal would not result in harm to the living conditions of neighbouring occupants, and would not conflict with Policies 10 of the ACS or 17 of the LP2 which, 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.

Standard of accommodation

23. The proposed flats, for the most part, would be reasonably spacious units with suitable layouts, light and outlook. I note that under the previous appeal, the Inspector found that the flats would provide a satisfactory standard of accommodation even in the case of two units which fell below relevant standards of the Nationally Described Space Standard (NDSS)³. In this case, the changes to the design of the extension mean that dormer windows to Flat 6 would be replaced by rooflights. However, the rooflights would be reasonable in size, and their skyward orientation would allow ample light into the bedrooms, whilst the living space would have two windows to complement the rooflights. Therefore, I am satisfied that this flat would provide light and outlook to a satisfactory standard.
24. I agree with the previous Inspector that the rear duplex unit would be satisfactory despite the shortfall in space relative to the NDSS, and that a lack of external amenity space generally would not be detrimental to future

³ Technical housing standards – nationally described space standard (March 2015)

occupants given the lower expectation of such facilities in flatted developments and the presence of a park nearby. From my review of the plans, the other flats would also be acceptable in terms of layout, light and outlook and in these respects, the proposal would not conflict with the aims of Policies 10 of the ACS or 17 of the LP2 to ensure a satisfactory degree of amenity for occupiers of new development.

Other Matters

25. I have regard to other concerns raised by interested parties beyond those encapsulated by the main issues. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues, and taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

Planning Balance

26. The appellant does not dispute the Council's stated ability to demonstrate a five year supply of deliverable housing land, and I consider that the policies most important to the determination of the application are in general conformity with the National Planning Policy Framework (the Framework). Given this, the 'tilted balance' of Paragraph 11(d) of the Framework is not engaged in this case, and the proposal falls to be determined against the development plan, taking account of other material considerations.
27. The proposal would deliver the benefit of six additional dwellings within the urban area of Nottingham where occupants would be able to access and contribute to local services and facilities by means other than the private car. This would make a contribution to achieving and maintaining the Council's overall housing supply, but as a sufficient supply of deliverable housing sites can be demonstrated, this benefit would attract moderate weight. There would also be limited economic benefits from the construction of the flats, though this would be temporary, and from subsequent use of local services by future residents.
28. Set against these benefits, there would be significant social and environmental harm arising from the adverse effects 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.
29. In my judgement, the benefits of the proposal, taken together, would not amount to material considerations which would outweigh the identified conflict 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

30. For the reasons given, the appeal is dismissed.

K Savage

INSPECTOR