



Appeal Decision

Site visit made on 3 August 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/P3040/W/20/3253317
103 Grantham Road, Bingham NG13 8DF

- 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 Ms Nuthall against the decision of Rushcliffe Borough Council.
 - The application Ref 19/02613/OUT, dated 8 November 2019, was refused by notice dated 20 February 2020.
 - The development proposed is conversion of existing coach house to dwelling and construction of 1no new detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application the subject of this appeal has been made in outline form. All matters are reserved for future consideration. I note though that part of the proposal is for the conversion of the existing coach house which would require full planning permission. I have therefore treated the appeal as a hybrid proposal. The layout and elevations of the proposed house have been assessed as indicative only.
3. Although not a specific reason for refusal, the Council raised concerns regarding the privacy afforded to the garden space of each dwelling in its application report. I sought the views of the appellant regarding this issue and have taken account of the response received in my determination of the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of occupiers of properties to the west with particular regard to noise; and
 - whether the proposal would provide satisfactory living conditions to the future occupiers of the coach house, the proposed dwelling and 103 Grantham Road with particular regard to noise and garden space.

Reasons

Living conditions

5. No 4 Willow Road is a two storey dwelling sited to the west of the appeal site. Its rear elevation and private outdoor garden space would be sited close to the western boundary of the proposed dwelling at No 103 near to the turning and parking area. While there is a hedge and some trees forming the boundary here, given the proximity of the garden space and the turning area, it would not be sufficient, in my view, to appropriately mitigate the noise and disturbance associated with the increase in vehicle movements that would occur at the appeal site.
6. While the indicative plan shows a two bedroom bungalow, which may limit vehicular journeys, it remains the case that the parking and turning area would be close to No 4's rear elevation and garden space and there would be manoeuvring with associated noise, light and general disturbance. Even though close to a main arterial road, occupiers of No 4 should have a reasonable expectation of greater peace and quiet behind the road frontage.
7. While the existing dwelling on site would generate traffic generation if it were occupied, the area adjacent to No 4 is some distance from No 103 and laid to grass and therefore, unlikely to be subject to car movements. Therefore, the dwelling as shown on the indicative plan would be materially harmful to the living conditions of the occupiers of No 4.
8. Traffic accessing the proposed dwelling would also have to travel past the garden space of the Coach House. While boundary fencing could be erected around that garden space, it would be the only private outdoor seating area available for the dwelling which would be subject to unacceptable noise and disturbance as cars pass by.
9. The access would also run past the side elevation of 101 Grantham Road. However, the boundary here is formed by the side elevation of the building itself, a brick wall and an outbuilding. Therefore, while the turning and parking area for the dwelling at the Coach House would be close to the boundary with No 101, the presence of a building would provide effective mitigation. Furthermore, there is only one small first floor window in the side elevation of No 101, and the most private garden area would be sited some distance from the turning/parking area, presenting a different relationship to the appeal site than No 4.
10. All of the garden space provided for the two new houses, and that for 103 Grantham Road, would be sited to the front of each dwelling. While the amount of garden space provided would be in accordance with the requirements within the Rushcliffe Residential Design Guide it states that this should be at the rear of the property and all gardens should be capable of having a private sitting out area.
11. While boundary treatment could be provided around the gardens of No 103 and the Coach House to give some privacy, I saw at my site visit that the large clear glazed first floor windows of No 4 would allow the occupiers to look directly into the garden of the proposed dwelling as shown on the indicative plan. As a result, it would have no private outside sitting space contrary to the RDG.

12. I appreciate that there should be consistency in the decision making process¹, and in this regard the appellant draws my attention to the approved site plan for no 4 Hazel Close to the north east of the appeal site. The amount of garden space is not at issue here and I am not aware of the specific relationship of windows in the rear elevation of 4 Hazel Close and the garden of No 105. Therefore, I am unable to make a specific comparison with the appeal site on privacy issues.
13. I appreciate that the proposal would otherwise be in accordance with Policy 11 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (the LPP) regarding housing development on unallocated sites within settlements and that my assessment has been made based on an indicative plan only. However, part f of Policy 11 requires that the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers. Given the specific siting of neighbouring residential properties and their proximity to the site and the constraints of the configuration of the site I have seen no conclusive evidence that the proposal could be accommodated without harming neighbouring resident's living conditions.
14. For the reasons above, I conclude that it has not been successfully demonstrated that the quantum of development could be provided without being harmful to the living conditions of the occupiers of No 4 Willow Road with particular regard to noise, or providing satisfactory living conditions for occupiers of the Coach House or the proposed dwelling with particular regard to garden space. The proposal is therefore in conflict with Policies 1 and 11 of the LPP and the National Planning Policy Framework (the Framework). Together these require, amongst other things, that there is no adverse impact upon the residential amenity of adjoining properties by traffic generated and that the amenity of users of the proposed development would not be detrimentally affected by existing nearby uses.

Character and appearance

15. The area around No 103 is mainly formed by suburban housing estates on the edge of Bingham. The appeal site forms a long thin plot with No 103 to the site frontage, an attached coach house to its immediate rear and the remainder of the plot mostly laid to grass making a neutral contribution to the mixed residential character and appearance of the area
16. The Council raise no particular issue with the conversion of the coach house to a separate dwelling with regard to the character and appearance of the area. From my observations on site, subject to careful design to ensure that windows are placed to avoid any harm to the living conditions of neighbouring residents I see no reason to disagree.
17. Taking into account the redevelopment of the coach house, the area available for the proposed dwelling is restricted to the grassed area to the rear of the plot and the indicative plan shows a bungalow accommodated in this area. While the proposed plot would be slightly narrower than others in the area there would still be room to comfortably accommodate a bungalow with appropriate space around it to neighbouring properties without unduly harming the development pattern in the immediate vicinity of the area, which has little uniformity.

¹ North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137

18. The indicative plan shows a dwelling which would be broadly in line with 105, Grantham Road, and adjacent properties on Hazel Close. Therefore, while backland development, the proposed bungalow would not appear incongruous or obtrusive within the wider streetscene.
19. For the reasons above, the proposal would not be harmful to the character and appearance of the area. There would, therefore, be no conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (the Core Strategy), Policy 1 of the LPP and the Framework. Together these seek to achieve a high standard of design which is sympathetic to the character and appearance of neighbouring buildings and the surrounding area.

Conclusion

20. The proposal would deliver social and economic benefits by providing two new homes in an accessible location in accordance with Policy 3 of the Core Strategy. In this respect, the development would make a modest contribution to meeting housing requirements and choice in the Borough whilst supporting local services and businesses. There would also be temporary economic benefits arising from the construction activity required to deliver the development. In this context, I attach moderate weight to the social and economic benefits identified based on the scale of development proposed.
21. It has not been satisfactorily demonstrated that the proposal would not be harmful to residents' living conditions or provide satisfactory living conditions for future residents' contrary to Policies 1 and 11 of the LPP. It would not therefore be in accordance with the development plan.
22. In such circumstances, paragraph 11 of the Framework indicates that planning permission should not be granted unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan policies I have referred to, and the considerable resultant harm would not be outweighed by other material considerations.
23. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR