

Appeal Decision

Site visit made on 21 September 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/Q3060/W/20/3255096

54 Mapperley Road, Nottingham NG3 5AS

- 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 Jose Quintian (Glenoak Property Investment Ltd) against the decision of City of Nottingham Council.
 - The application Ref 20/00716/PFUL3, dated 1 April 2020, was refused by notice dated 22 May 2020.
 - The development proposed is the conversion of 6 bed Class C3 dwelling to 7 no. Class C3 apartments and associated external works including four front and rear dormers.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description on the application form and Council's decision notice differ. I have used the description from the decision notice in the banner heading above which more accurately describes the proposal.

Main Issues

3. The main issues are:
 - the achievement and maintenance of balanced communities, including the supply of family-sized dwellings;
 - whether the proposed development would preserve or enhance the character or appearance of the Mapperley Park and Alexandra Park Conservation Area (CA); and
 - the living conditions of the occupants of neighbouring dwellings with particular reference to noise and disturbance.

Reasons

Housing provision

4. Policy HOU2 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (2020) (LP2) stipulates that there will be a presumption against the loss of family housing unless several criteria are met.
5. Policy 8 of the Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan 2014 (LP1) looks to ensure that development maintains, provides and contributes to a mix of housing types and sizes to create sustainable, inclusive and mixed communities. This includes an

emphasis on family housing. This is further supported in Policy HOU1 of the LP2.

6. Even if I were to accept the appellant's case that the existing dwelling is no longer suitable for family occupation, there is no compelling reason why the replacement proposal does not include any element of new accommodation suitable for family occupation. Moreover, having regard to the location of the nursery, primary school and other amenities, there is no substantive evidence before me that a greater mix of accommodation would not be appropriate.
7. Although there are many one person households in the area, including from the subdivision of large properties, this does not provide evidence of a lack of need for other types of housing as sought by the Council's policies.
8. I therefore find that the proposal would result in harm to the achievement and maintenance of balanced communities, including the supply of family-sized dwellings. The proposal would therefore conflict with the requirements of Policy 8 of the LP1 and Policies HOU1 and HOU2 of the LP2.

Conservation area

9. This part of the road is characterised by large semi-detached dwellings. Whilst several have been altered and subdivided, the consistency in design remains apparent and contributes positively to the character of this part of the CA.
10. The proposed front dormers would be the only dormers on the front roof slopes of this group of properties along the road and would appear as discordant features, disrupting the properties architectural unity. The proposed rear dormers would occupy a large proportion of the depth and width of the roof slopes. Although they would have sloping roofs, they would have a box like form, giving them a stark and unduly dominant appearance from Fowler Street.
11. There is no substantive evidence that the dormers would be permitted development. There are other existing dormers along the road to the rear of varying sizes. However, I do not have any details of the circumstances that led to their presence and so cannot be certain that they are comparable. Moreover, they do not alter the roofscape to the extent that the proposals would.
12. Although chimney stacks on some other properties have been removed, they are original features and the loss proposed would add to the harm I have already identified. Thus, the proposals would result in undesirable changes that would harm the overall character and appearance of the CA.
13. Whilst other proposed works would not harm the character or appearance of the CA, the absence of harm is a neutral matter. I accept that the appellant is seeking to make an effective use of an existing dwelling, an objective which is encouraged by the Framework. However, the proposed dormers and removal of the chimney stacks would create only a limited amount of accommodation. As such, the benefits to the public would be limited.
14. Heritage assets are irreplaceable and great weight should be given to their conservation. Therefore, as set out in paragraph 196 of the National Planning Policy Framework (the Framework), there are no public benefits that outweigh the less than substantial harm that would occur in this case.

15. Accordingly, the proposals would conflict with the requirements of the Framework, Policies 10 and 11 of the LP1 and Policies DE1 and HE1 of the LP2. These policies stipulate, amongst other things, that proposals will be supported where heritage assets are conserved and/or enhanced.

Living conditions

16. The proposed development would likely result in an increase in comings and goings from the property. However, whether it is occupied by a family or as individual flats the potential for noise and disturbance exists.
17. The area is a busy residential environment with a mix of properties and other non-residential uses. I have no substantive evidence regarding the capacity of parking within the street. On street parking is possible on streets to the front and rear. In this context the movements of any vehicles or people associated with the development would not, in my view, be so prominent as to be disturbing to the occupants of other neighbouring properties.
18. Whilst additional comings and goings are likely to be noticeable, I do not consider that the appeal proposal would cause harm to the living conditions of the occupants of nearby dwellings with particular reference to noise and disturbance. As such, the proposal would comply with the requirements of Policy 10 of the LP1 and Policy DE1 of the LP2. These stipulate that development will be assessed on its impact on the amenity of nearby residents, amongst other things.

Other Matters

19. My attention has been drawn to several other properties which have been accepted for conversion, either at appeal or by grant of planning permission. Although I do not have full details of these schemes, from the information provided the circumstances do not appear the same in terms of the existing or proposed development. In any case, I have considered the proposal on its own merits having regard to the current adopted development plan policies and its location in the CA.

Conclusion

20. Although I have concluded that there would be no harm to the living conditions of the occupiers of neighbouring properties, the absence of harm is a neutral matter weighing neither for nor against the proposal. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified to the character and appearance of the CA and the achievement and maintenance of balanced communities, including the supply of family-sized dwellings.
21. For the reasons outlined above, the appeal is dismissed.

Robert Walker

INSPECTOR