



Appeal Decision

Site visit made on 3 August 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/Q3060/D/20/3244656

17 Middleton Boulevard, Nottingham NG8 1BY

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 Sukhjinder Singh Dhillon against the decision of Nottingham City Council.
 - The application Ref 19/01406/PFUL3, dated 23 June 2019, was refused by notice dated 12 November 2019.
 - The development proposed is described as a 'front double extension and loft conversion with dormer'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Note

3. The Council's decision notice refers to Policies DE1 and HE1 of the emerging Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (the DPD). These policies have now been adopted and the proposal has been examined accordingly.

Main Issue

4. The effect of the proposal on the character and appearance of the host dwelling and whether the proposal would preserve or enhance the character or appearance of the Middleton Boulevard Conservation Area.

Reasons for the Recommendation

5. The appeal site is located on Middleton Boulevard within the Middleton Boulevard Conservation Area (CA) and comprises an end of terrace property. The immediate surrounding area of the CA is characterised primarily by its residential nature, being an early, pre-war, Council estate made up of properties which vary in scale and design but retain a level of consistency in terms of style and character. In particular, many properties within the immediate vicinity of the appeal site benefit from deep, steeply pitched and hipped roofs such that this feature is a clear characteristic of the area. Whilst no character appraisal has been supplied, the special interest of the area would appear to lie in the carefully planned layout of the estate and the

symmetry and consistency in the design of dwellings within it which provide an attractive and coherent character.

6. The site itself forms part of a row of four dwellings with an obvious and pleasing sense of symmetry along the front elevation due to the arrangement and scale of the properties. Those located in the middle are larger, two storey dwellings with a centrally placed archway, while the outer properties, including the appeal site, are single storey with matching window arrangements and roof profiles. While a modest side extension exists at the site, due to its limited scale and discreet positioning it does not offset the sense of symmetry at the properties to a significant degree.
7. The proposed development relates to a front extension and loft conversion with dormer to the rear. While matching materials would be used, the scale of the proposal would appear disproportionate to that of the existing dwelling and would not respect the current character and proportions of the property.
8. The mass and bulk of the front extension would be highly visible from Middleton Boulevard, where the proposal would have a dominant visual impact which would substantially erode the pleasing symmetry that currently exists along the front elevations in this row of terraced houses. Furthermore, the hipped roof would be replaced with a gable ended roof, and additional glazing would be installed along the front elevation of the appeal property. This would not only further erode the symmetry in this group of dwellings but would also be noticeably different from the main steep, hipped roof profile style of the immediate area. The proposal would therefore appear as an incongruous feature when viewed from the street.
9. With regards to the rear dormer element of the proposal, it is acknowledged that this would not be visible from Middleton Boulevard, and would be positioned alongside an existing extension at No. 15. While reference has been made by the Council to specific dormer design guidance, this has not been provided. Nonetheless, the scale of the dormer is such that it would dominate the roof of the property from the rear, adding significant bulk which, in combination to the proposed rear gable end, would disrupt the current roof profile of the property. The combination of these elements would fail to have regard to the character of the appeal property or the distinctiveness of the area.
10. Reference has been made to other examples of gable ends in the surrounding area. However, it would appear that these largely exist in blocks where front gables were part of the originally planned layout. There are a range of dwelling styles in the wider estate but they are laid out in a carefully planned way. The symmetry and specific nature of the layout at the appeal site has been a key element of my recommendation and the symmetry of the block in question adds to the overall pattern of development in the CA. Therefore, the presence of front gables on blocks where the original design differed from that at the appeal site does not lead me to alter my conclusion on the harm caused.
11. Overall, the proposal would result in overly dominant development, failing to respect the appearance of the dwelling or the context of the appeal site, which sit within the CA. Accordingly, it would cause visual harm to a designated heritage asset. However, it would only be visible from a very limited section of the CA. As such, this would equate to less than substantial harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. The Framework requires that harm to be weighed against any public benefits arising from the proposal.

12. From the information provided no public benefits have been advanced. The appellant has stated that the proposal would provide enhanced living space for both current and future occupiers but this amounts to a private benefit for those who reside at the property and there is nothing to indicate that the existing space is deficient or provides unsatisfactory accommodation. Such circumstances can be afforded little weight in planning terms, and do not override the other considerations identified in this recommendation. Therefore, while the harm to the significance of the heritage assets would be less than substantial the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets.
13. I find that the development would cause harm to the appearance of the property and it would fail to preserve or enhance the character or appearance of the CA. Accordingly, it would fail to comply with Policies DE1 and HE1 of the DPD and Policies 10 and 11 of the Greater Nottingham Broxtowe Borough Gedling Borough Nottingham City Aligned Core Strategies Part 1 Local Plan, September 2014.

Other considerations

14. The appellant has referred to the fact that the proposal would provide for better living space, including for their disabled son. I must have due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. It does not follow from the PSED that the appeal should succeed. However, I am required to have due regard to the duty in arriving at my decision.
15. I do not doubt that the proposals would provide better living space for the appellant's family. Nonetheless, this must be balanced with the significant adverse impacts of the proposal identified earlier. Limited information is before me to indicate whether the existing property could be extended or adapted in ways that would meet the needs of the family without causing the harm to the CA as identified above. Therefore, while I acknowledge the personal circumstances of the appellant, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of the first main issue.

Conclusion and Recommendation

16. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR