
Appeal Decision

Site visit made on 18 December 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2020

Appeal Ref: APP/P3040/W/20/3259561

2 Johns Road, Radcliffe On Trent NG12 2GW

- 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 Cameron McHugh against the decision of Rushcliffe Borough Council.
 - The application Ref 19/01918/FUL, dated 12 August 2019, was refused by notice dated 18 August 2020.
 - The development proposed is the demolition of the existing dwelling and construction of two new three bedroom dwellings fronting Johns Road (semi-detached pair) and two new two bedroom dwellings fronting Grantham Road (semi-detached pair) including landscaping and the creation of a dropped kerb (resubmission).
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and construction of two new three bedroom dwellings fronting Johns Road (semi-detached pair) and two new two bedroom dwellings fronting Grantham Road (semi-detached pair) including landscaping and the creation of a dropped kerb (resubmission) at 2 Johns Road, Radcliffe On Trent, NG12 2GW, in accordance with the terms of the application Ref 19/0918/FUL, dated 12 August 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. I have taken the description of development from the Council's refusal notice and appellant's appeal form as that more precisely describes the proposed development that formed the basis of the Council's refusal of planning permission.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and appearance

4. The appeal site includes a detached bungalow set within a large plot with its front elevation facing Johns Road and its rear elevation facing the A52 Grantham Road. The rear boundary of the site is screened from the A52 by mature vegetation. It is proposed that two brick built semi-detached dwellings

- would be positioned with an access off the A52 and would be adjacent to a detached bungalow. The existing bungalow would be demolished and two new brick built semi-detached dwellings would be positioned with an access off Johns Road.
5. Johns Road is characterised by a mixture of house types and sizes. There are some bungalows, many detached dwellings and some semi-detached properties, with some of the latter house types with frontage parking. Whilst some properties have a rendered finish, the most common building material in the locality, in respect of boundary walls and building elevations, is brick. Dwellings on both the A52 and Johns Road are set well back into their plots, thereby displaying a pleasing sense of spaciousness around buildings to the passer-by. These attributes add positively and distinctively to the character and appearance of the area.
 6. The proposed dwellings on the Johns Road frontage would be set back from the street and whilst they would be slightly forward of the building line of No 4 Johns Road this would not be to such an extent as to cause noticeable harm to the layout of the area, particularly when seen in the context of the neighbouring single storey garage and the dwelling on the corner of Johns Road and Carter Avenue which are in relative terms much closer to Johns Road. The proposal would include a 1.2 metre high brick wall with 1.8 metre high piers along part of the Johns Road frontage which would suitably reflect the use of such front boundary walls in this street.
 7. The semi-detached dwellings would be no higher than No 4 Johns Road and would include hipped roofs. While I acknowledge that these dwellings would have smaller gardens than the existing bungalow, they would nonetheless be of a size that meets the Council's required garden sizes and as the appeal site is at the end of the string of linear development on Johns Road, I do not consider that the sub-division of the garden would in this case cause material harm to the pattern of development in the locality.
 8. I note the Council's comment that the semi-detached dwellings fronting Johns Road would be confined to a plot which is not as wide as others in the street where there are semi-detached properties. Given the variety of house types and plot widths in this street, I do not consider that the proposed dwelling to plot width ratio would be noticeable or out of character when viewed by the passer-by.
 9. In addition to the above, the dwellings on both Johns Road and the A52 would include a reasonable amount of open space along the side boundaries. Given this, coupled with the provision of proportionate gardens that exceed the Council minimum size thresholds, I am satisfied that the four dwellings would assimilate well within their urban settings and that they would not appear cramped within their respective plots. This would be achieved whilst also making efficient use of land in accordance with Chapter 11 of the National Planning Policy Framework (the Framework).
 10. Whilst the semi-detached dwellings off the A52 would be more contemporary in appearance than the more simply designed dwellings in Johns Road, I am satisfied that they would not cause harm to the character and appearance of the area. In this case, there are very few dwellings on this stretch of the A52: there is no particular uniformity of scale or appearance amongst the existing dwellings. Hence, in this case it is appropriate to include a more contemporary

design solution, albeit one where the dwellings do broadly follow the existing building line and where they maintain the characterful and spacious set back of dwellings that is prevalent in the immediate area. The proposed dwellings would include the use of brick and the retention of part of the existing boundary vegetation would help to soften the effect of the introduction of dwellings on a site which is currently devoid of built form.

11. Subject to the imposition of conditions relating to landscaping, materials and, in this case, the removal of specified permitted development rights, the proposed development would not cause harm to the character and appearance of the area. It would therefore accord with the design requirements of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (CS); Policy 1 (Part 4) and Policy 11 (Part 1 section b) of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LP); Policies 11 and 15 of the Radcliffe-on-Trent Neighbourhood Plan 2017 and paragraph 127 of the Framework.

Highway safety

12. There is no dispute between the parties that the four dwellings would provide enough on-site car parking spaces. Indeed, two car parking spaces are proposed per dwelling which would accord with the Council's car parking standards. Whilst the dropped kerb on Johns Road would result in the loss of existing on-street car parking space, I have not been provided with any objective evidence to demonstrate that there is existing on-street car parking stress in this street, or that this part of the proposal would lead to any material on-street car parking demand issues.
13. The point of contention between the main parties relates to the proposed access from the A52 (a 40 mph trunk road) for plot Nos 3 and 4. The neighbouring dwellings have accesses off this road and it is of note that Highways England were consulted at planning application determination stage and raised no objection to the proposal. While this is a relatively busy road, particularly at peak times in the mornings and evenings, and at school opening and closing times, this part of the A52 is relatively straight in both directions and hence visibility is good. Whilst this is a 40 mph trunk road, the effect of traffic lights at the junction close to the site is such that either vehicles travel at relatively slow speeds past the site, or drivers are particularly alert owing to the potential for the lights to turn red. In any event, I am satisfied that the visibility splays shown on the submitted plans would be acceptable from a safety point of view, accounting for the 40mph restriction.
14. The plans show a turning area within the frontage of plot Nos 3 and 4 to ensure that vehicles can leave this part of the site in forward gear. Reversing out of the site would likely lead to highway safety conflicts between either other vehicles or pedestrians using the pavement. However, this is a matter that could be controlled by way of the imposition of a planning condition which required the turning area to be kept permanently available and unobstructed at all times.
15. The Council's committee minutes refer to the access being narrow for emergency service vehicles. There is no reasonable evidence to support this view and, in any event, the emergency services would be able to reach the dwellings with ease and, if necessary, with parking taking place on either Johns Road or the A52 should frontage car parking make on-site emergency service vehicle parking problematic.

16. I also note comments made by some interested parties about the effect of the development on plans to upgrade the Bingham Road/Carter Avenue/A52 junction close to the site. However, there is no objection from Highways England or the Highway Authority and the Council's committee report states *"in discussions on the previous application that was refused last year, it was confirmed that the works were being considered in line with the wider upgrades"*.
17. Subject to the imposition of planning conditions, I therefore conclude that the proposal would not lead to any unacceptable effects on highway safety. Consequently, the proposal would accord with the highway safety requirements of Policy 1 and Policy 11 of the LP and paragraph 109 of the Framework.

Other Matters

18. I have taken into account all of the comments made by other interested parties. I do not disagree with the views expressed by the Council's planning officer in respect of the consideration of such matters in the Council's Planning Committee report. In particular, I have taken into account the height and location of the proposed dwellings and the separation distances from neighbouring properties, and the retention of boundary vegetation. Subject to the imposition of planning conditions, I do not consider that the proposal would lead to a material loss of outlook, privacy or light for the occupiers of neighbouring properties.
19. I do acknowledge that there would be some overlooking of existing neighbouring gardens including at No 12 Grantham Road, No 4 Carter Avenue and 4 Johns Road. However, the views of gardens would generally be at an angle from proposed windows. Furthermore, I would add that it is not uncommon for gardens to be overlooked in urban settings such as this. In this instance, I do not consider that the extent of overlooking would be significantly adverse.
20. I note the comment made by some of the other interested parties about setting a precedent for the erection of further development off the A52. However, in allowing this appeal I do not consider that such a precedent would necessarily be set. Indeed, I have considered this appeal on its individual planning merits and based on the site conditions that are pertinent to the appeal proposal.
21. While the proposal would result in the loss of some existing vegetation, including frontage hedges, new planting is also proposed. The evidence before me is that there would no harm caused to matters of bio-diversity or to any protected species. Furthermore, a condition could be imposed which would ensure that there was some bio-diversity enhancement.
22. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conditions

23. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

24. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
25. In the interests of the living conditions of the occupiers of existing and proposed neighbouring properties, it is necessary to impose planning conditions relating to a construction method statement; surface water drainage; noise attenuation measures, and to ensure that identified windows for the proposed plots 1 and 2 dwellings are obscure glazed and fixed shut.
26. In the interests of the character and appearance of the area, it is necessary to attach conditions relating to landscaping; the retention/protection of existing vegetation; finished floor levels and materials for the dwellings and boundary treatment.
27. In the interests of environmental sustainability, and to encourage the use of more sustainable modes of transport, planning conditions are necessary relating to the provision of electric vehicle charging points and water consumption. In the interests of bio-diversity enhancement, it is necessary to submit a scheme to provide at least the installation of bat and bird boxes on the site.
28. In order to ensure that development is not unsafe from a highway point of view, a condition is necessary which ensures the provision of suitable materials and drainage for the driveways, as well as keeping the vehicle turning areas free from obstruction and available for such use at all times.
29. In the interests of the character and appearance of the area, and the living conditions of the occupiers of neighbouring dwellings, there is clear justification in this case for the removal of specified permitted development rights.

Conclusion

30. For the above reasons, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of Conditions

- (1) The development hereby permitted shall begin not later than three years from the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 711 001; 711 005 Rev L; 711 002 Rev H; 711 003 Rev H and 711 004 Rev I.
- (3) Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved by the Local Planning Authority. Thereafter the works shall only be carried out in accordance with the approved method statement.
- (4) No operations shall commence on site until the existing trees and/or hedges which are to be retained (as shown on the approved plans) have been protected in accordance with details to be approved in writing by the Local Planning Authority and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.
- (5) Prior to the commencement of development (excluding demolition and site clearance) finished site levels including cross sections shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the finished site levels so agreed.
- (6) Notwithstanding the details contained in the application form, the development shall not commence (excluding demolition and site clearance) until a surface water drainage scheme showing compliance with the drainage hierarchy has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved surface water drainage scheme, which shall thereafter be maintained throughout the life of the development.
- (7) Notwithstanding the materials detailed on the application plans, the development hereby permitted shall not proceed beyond damp proof course level until details of materials to be used on all external elevations including any boundary treatment have been submitted to and approved in writing by the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved.
- (8) The development hereby permitted shall not proceed beyond damp proof course level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or

plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- (9) Prior to the construction of any dwelling proceeding above damp proof course level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Local Planning Authority. The scheme shall provide details of the provision of electric vehicle charging points to serve each dwelling on the site. If any plots are to be without provision then it must be demonstrated why the positioning of such apparatus to the external fabric of the dwelling or garage, or the provision of a standalone vehicle charging point would be technically unfeasible or would have an adverse visual appearance on the street-scene. Thereafter, no dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.
- (10) The development shall not proceed above damp proof course level until a scheme detailing biodiversity enhancements together with details of a timetable for their installation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme should provide for the installation of bat and bird boxes as a minimum, also considering the opportunities for additional enhancements. The approved scheme shall be implemented in accordance with the approved timetable. The approved enhancements shall thereafter be retained and maintained.
- (11) The development hereby permitted shall not be brought into use until the noise attenuation measures as detailed in the submitted noise assessment Ref 'Acute Acoustics Ltd noise assessment ref 2377 Radcliff - 2 Johns Road' have been fully implemented and installed. This provision shall thereafter be retained and maintained for the lifetime of the development.
- (12) The development shall not be brought into use until the driveway, parking and turning areas as shown on the approved plans have been completed including the following provisions: a. Driveway surfaced in a bound material for at least 5m back from the highway; b. Driveway fronted by a suitably constructed dropped kerb; c. Driveway and drive constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking areas to the public highway. These provisions shall then be maintained in such condition for the life of the development and the approved turning areas shall be kept free from obstruction and available for use at all times.
- (13) The dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

- (14) The first floor windows in the north east and south west side elevations of plots 1 and 2, serving the bathrooms as identified on the approved plans, shall be permanently obscure glazed to level 5 of obscurity and fixed shut, and the windows shall be retained to this specification for the lifetime of the development.
- (15) Notwithstanding the provisions of Schedule 2, Part 1 Class A & B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings, no additional windows and no additions to the roof without the prior written approval of the Local Planning Authority.

End of Schedule