



Appeal Decision

Site visit made on 19 October 2020 & 15 December 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/Q3060/W/20/3257105

Outbuilding at the rear of 34-36 Lace Street, Nottingham NG7 2JG

- 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 Sandeep Krishan (Flare Homes Ltd) against the decision of Nottingham City Council.
 - The application Ref 20/00938/PFUL3, dated 8 May 2020, was refused by notice dated 6 July 2020.
 - The development proposed is change of use from B1 light industrial to C3 Dwelling, new roof and external alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the address of the appeal site from the appeal form as this more accurately describes the appeal site's location.
3. The description of development in the banner heading above has been taken from the application form. The application form indicates that the existing use of the building is B1 light industrial although the planning permission in 1977 was for the erection of a double garage. No confirmation has been provided that the parties have agreed a revised description. It is not for me as part of a section 78 appeal to determine the lawful use of the building. Therefore, I have used the description on the application form and determined the appeal accordingly.
4. There are two further appeals before me for developments at 34¹ and 36² Lace Street. These appeals are the subject of separate decisions. The appeal proposal was originally linked to these other appeals and consequently it was not validated until later. Although I had access to the building at my site visit on the 19 October 2020, I subsequently made an unaccompanied visit to the area on the 15 December 2020 to consider the matters raised during the appeal process.

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the area;

¹ APP/Q3060/W/20/3257101

² APP/Q3060/W/20/3257103

- whether the proposed development would provide acceptable living conditions for future occupants, with regard to the standard of proposed accommodation and privacy; and,
- the effect of the development on the wider need to create and maintain balanced and mixed communities.

Reasons

Character and appearance

6. Lace Street is part of an area of relatively dense residential development. It is characterised by semi-detached and terraced houses largely constructed of brick with reasonably sized rear gardens. The appeal building is a detached single storey brick and pantile structure with side lean to which occupies much of the garden space to the rear of No 34 and No 36 Lace Street.
7. The appellant contends that there is a wide range of building types in the area with little rhythm and uniformity to the built form and materials. However, I consider that there is a high degree of uniformity to the design of the surrounding dwellings although I accept that the outbuilding is an anomaly within the rear garden.
8. Nevertheless, as a result of the proposed alterations to the outbuilding, including additional eaves and ridge height, render to the walls and new windows, the outbuilding would be significantly more prominent than the existing structure and would be a dominant and discordant feature when viewed from the windows and rear gardens of the adjacent properties. Consequently, the proposal would appear out of scale with its domestic surroundings, would detract from the rear garden environment and would appear as an incongruous feature in the street scene when viewed from City Road.
9. Overall, I consider that the proposal would detract from the character and appearance of the area and would conflict with Policy 10 of the of the Greater Nottingham Aligned Core Strategy Part 1 Local Plan (Core Strategy) and Policy DE1 of the Nottingham City Council Local Plan Part 2 – Land and Planning Policies (LAPP) which collectively seek, among other things, to ensure that development is appropriate to the character of the area.

Living conditions – future occupiers

10. Policy DE1 of the LAPP requires a satisfactory level of amenity for future occupiers of development. It also requires that six months after the adoption of the plan all residential development should meet the Nationally Described Space Standards (NDSS). The appellant suggests that the NDSS should not apply as at the time the decision was made the LAPP had not been adopted for six months. However, at the time of the appeal submission the plan had been adopted significantly longer than 6 months and I see no reasons why the development should not meet the NDSS.
11. I accept that the space standards do not specifically provide a category for 2 bedroomed single storey properties to be occupied by 2 people. However, as the internal floor area of the proposed dwelling would be less than the requirement for a 1 bedroomed 1 person flat and the internal sizes of the individual bedrooms, which are indicated as double bedrooms, fall below the

standards in the NDSS, I consider that the accommodation would fall short of the required standards.

12. The existing outbuilding is sited close to the rear of No 34 and No 36 Lace Street. New windows are proposed to the front elevation facing rear living room windows in both No 34 and No 36. The pedestrian access serving both these properties is also near the front of the outbuilding. Due to the proximity between the outbuilding and the adjacent properties, privacy for the proposed dwelling would be very limited. Overall, the proposal would result in an oppressive and significantly compromised living environment for future occupiers.
13. Consequently, I conclude that the development would fail to provide acceptable living conditions for future occupants, with regard to the standard of proposed accommodation and privacy. As a result, the development would conflict with Policy 10 Core Strategy where it seeks to ensure that development is designed to create an attractive, safe, inclusive and healthy environment and Policy DE1 of the LAPP.

Balanced and mixed communities

14. The purpose of Policy 8 of the Core Strategy is to ensure that residential development contributes to a mix of housing tenure, types and sizes to create sustainable, balanced and mixed communities with an emphasis on the providing family housing.
15. Use of the outbuilding as a Class C3 'dwellinghouse' does not preclude 2 unrelated people living together including students. I agree with the Council that the proposal would be likely to result in the provision of additional student accommodation because of the building's proximity to the existing student accommodation at No 34 and No 36. The Council has identified that Council tax records show a 70% student occupation in the area. The provision of accommodation that is likely to be used as student accommodation would exacerbate the already skewed housing mix in the area.
16. Consequently, I conclude that the proposal would have a harmful effect on the wider need to create and maintain balanced and mixed communities. As such it would conflict with Policy 8 of the Core Strategy. It would also conflict with Policy HO6 of the LAPP where it seeks to ensure that proposals do not undermine local objectives to create or maintain sustainable, inclusive and mixed communities.

Other matters

17. I have had regard to the National Planning Policy Framework (the Framework) where it seeks to significantly boost the supply of housing, where it supports the provision of a range of size, type and tenure of housing and the need to provide for groups with specific housing requirements and entry-level sites for those looking to buy or rent. However, I have been provided with limited evidence of the contribution the development would make to the wider local housing market.
18. I have also considered the Framework requirement to support the efficient use of land and buildings. Nevertheless, the Framework also requires that I take account of the importance of securing well-designed, attractive and healthy places with which I consider the proposal would conflict.

Conclusion

19. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR