



Appeal Decision

Site visit made on 11 January 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/B3030/W/20/3260862

Mccolls, Mansfield Road, Blidworth NG21 0RB

- 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 Kanagaratnam Paramanathan against the decision of Newark & Sherwood District Council.
 - The application Ref 20/01200/FUL, dated 3 July 2020, was refused by notice dated 1 October 2020.
 - The development proposed is a Two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - Trees and biodiversity;
 - The living conditions of neighbouring occupiers with particular regard to overlooking; and
 - Parking provision and the functioning of the Blidsworth Local Centre.

Reasons

Character and appearance

3. The appeal site is the informal parking area associated with the shops and flats above the commercial parade situated on Mansfield Road within the defined Blidworth Local Centre. It is accessed via New Lane and on a slightly raised level with the dwelling of Engedi House and garden of 45b Mansfield Road surrounding it. There is no public access from the parking area to the shops.
4. The proposal would create a very modern and contemporary style of dwelling in a setting where neighbouring residential dwellings along New Lane are of a more traditional appearance. It would be positioned very close to the road and, as it would sit well forward of the adjacent traditional style dwelling, it would appear very pronounced within the street scene which would further emphasise its discordant appearance.

5. There are examples of flat roofed buildings close to the appeal site although these are not residential in nature. Nevertheless, its flat roofed appearance would jar with the traditional pitched roof styles of residential dwellings within close quarters. The proposed fenestration patterns, small frosted windows to the ground floor and louvres to the terraced area would all be at odds with surrounding development. Although the proposed vertical timber board at first floor is intended to be an interpretation of the adjacent Tudor examples, it would not represent a unifying idiom. Overall, it would not successfully integrate with the character and appearance of the locale.
6. To conclude, the proposal would not lead to a harmonising form of development and would be contrary to the broad design objectives of the Newark and Sherwood District Council Amended Core Strategy 2019 (CS), Core Policy 9, and would be in conflict with Policy DM5 of the Allocations & Development Management Development Plan Document 2013 (DMDPD) which seeks to respect local distinctiveness and character.

Trees and biodiversity

7. There are two groups of sycamore trees located at the front of the site within a raised embankment together with a single silver birch tree located in a corner of the plot. Whilst the trees to the front may be identified within the submitted tree survey as category C2, despite this, they are seen from a number of directions. As the area has a green and leafy appearance to it, this group of trees contribute positively to the character and appearance of the local area. This is also acknowledged within the BS 5837 Arboricultural Report & Impact Assessment.
8. The appellant has confirmed that trees T4 and T5 of the sycamore group would be retained. However, their final comments lead to ambiguity as they suggest that the trees could be felled and replaced or retained and 'trimmed'.
9. There are no details of pruning of trees submitted with the appeal. Furthermore, there are no details submitted of root protection measures or an arboricultural method statement, and therefore without this information, the full impact upon trees on site cannot be fully considered, and this also calls into question the ecological implications of the proposal.
10. The appellant considers that the lack of pavement outside the site is a pedestrian safety risk and a footpath here is proposed via another scheme through off-site highway works. They reason this would impact upon their tree root system. However, the Council have demonstrated that off-site highway works do not propose a footpath in this location.
11. To conclude, based on the information before me, it has not been adequately demonstrated that the proposal would lead to no harm arising to trees and thus to biodiversity on site. Therefore, it fails to comply with CS Policy 12 and policies DM5 and DM7 of the DMDPD in their combined objectives to conserve and enhance biodiversity and green infrastructure and incorporate trees into development.

Living conditions

12. The garden area of No 45b Mansfield Road is located behind the appeal site at a sufficient distance that the proposed development would not unduly compromise occupants' living conditions. There would be no loss of privacy

experienced from the small first floor windows as they would not serve habitable rooms. The proposed dwelling has been designed with an external terrace space incorporated into one side of the building at first floor level. However, with the use of the proposed 45-degree vertical louvres, together with the separation distance between sites, I am not of the view that the occupiers of this dwelling would encounter a harmful loss of privacy as a consequence of the terrace.

13. To conclude, I find no harm would arise to the living conditions of neighbouring occupiers as a result of the proposal. Therefore, it would accord with DMDPD Policy DM5 in its aims to have regard to neighbouring amenity. In this instance I find that CS Core Policy 9 is not relevant as it does not relate to living conditions.

Parking and functioning of local centre

14. I appreciate that removing the existing parking provision at the appeal site may increase on-street parking by staff and occupiers of the flats. However, I have made my assessment based on the facts on the ground.
15. There are dedicated parking laybys outside the parade and broadly opposite and adjacent to it. Further parking spaces are located close to the junction with New Lane. At the time of my site visit, there was no evidence of restrictions applied to the time these vehicular spaces can be occupied.
16. In the absence of evidence presented by the Council to demonstrate that the proposal would lead to unacceptable levels of on-street parking, I find no reason to conclude that displaced parking could not be accommodated on local roads. Moreover, there is nothing before me to suggest that harm would arise to the functioning of the Local Centre.
17. To conclude, I find no harm in relation to this main issue nor any conflict with DMDPD Policy DM5 insofar as it relates to parking. CS Core Policy 9 does not relate to parking and is not relevant in this case.

Other Matters

18. The appellant raises issues with regards to the Council's service and publicity of documents, however this is outside the remit of this appeal and should be referred to the Council for response in the first instance.

Conclusion

19. As I have found, the appeal proposal would not compromise living conditions of local residents or have a detrimental effect on parking or the functioning of the Blidworth Local Centre. However, a finding of no harm in respect of these matters is a neutral matter which weighs neither for nor against the proposal. Due to its harmful effect upon the character and appearance of the area and my findings in respect of trees and biodiversity, the appeal must fail.
20. The appeal is therefore dismissed.

Alison Scott

INSPECTOR