



Appeal Decision

Site visit made on 10 November 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/J3015/W/20/3256397

84 (land adjoining) Abbey Road, Beeston, Nottingham NG9 2HP

- 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 Mahmood Hussain & Mrs Maqbool Bi against the decision of Broxtowe Borough Council.
 - The application Ref 20/00020/FUL, dated 10 January 2020, was refused by notice dated 17 March 2020.
 - The development proposed is the construction of a single storey residential dwelling.
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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 matter

3. The Council's reason for refusal, as stated within their decision notice, indicates that the proposal has been refused due to it being contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014 and Policy 17 of the Broxtowe Part 2 Local Plan 2019. Whilst other policies have been referred to as part of the Council's assessment of the proposal, I shall consider the proposal before me based on the policies outlined within the Council's decision notice.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site relates to a two-storey, semi-detached, hipped roofed dwelling, which occupies a prominent position, on a corner plot, within a residential area. The appeal dwelling is set within a spacious plot, is set back from the road, and has most of its outside amenity space to the side. The property has two private driveways, one to the front, with access from Abbey Road and one to the side, with access from Warwick Avenue. The siting of the dwelling in relation to the road contributes to the open character of the plot, and thus to the openness of the street scene, at the junction of Abbey Road with Warwick Avenue.
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6. The proposal seeks to divide the existing plot and construct a one bedroomed dwelling to the southern side of No 84 Abbey Road. The dwelling would be single storey, would be sited forward of the building line of No 84, and have a limited set back from the roads. Pedestrian access would be from Abbey Road, whilst the private drive would be accessed from Warwick Avenue. A small private garden is proposed to the rear.
7. The form and appearance of the bungalow, its siting in relation to the roads, and the limited amount of outdoor amenity space, would be in contrast with those of neighbouring properties, which are mostly two-storey semi-detached and terraced properties that follow a relatively consistent building line and have large gardens, either to the rear or side. The introduction of a bungalow to the side of No 84 would disrupt the existing pattern of development and the bungalow itself would appear as an incongruous addition which would harmfully affect the openness at the junction of Abbey Road with Warwick Avenue, and thus be detrimental to the character and appearance of the area.
8. Notwithstanding the current use of the space to the side of No 84 as a parking area, the existing open space has a positive contribution to the character and appearance of the street scene. Whilst there would be some green space to the front of the bungalow, it would not be sufficient to mitigate the harm of the development. Likewise, the fact that the bungalow would match the materials of No 84 and would not project beyond the building line of properties located on Warwick Avenue does not make it acceptable in this corner location.
9. Whilst I acknowledge that the bungalow is intended to provide accommodation for a couple, space around a building, including private garden area, is important not only in providing an amenity area for residents, but also in terms of the character and appearance of the area. Given my findings above, the proposal fails to respect the character and appearance of the area.
10. The appellants have drawn my attention to dwelling No 71A Abbey Road, which was approved by the Council and constructed directly opposite the appeal site. Whilst I do not have all the details of this development, or the circumstances in which it was granted permission before me, I note that the siting of this dwelling is not directly comparable with that of the proposal. Likewise, whilst there are other bungalows within the area, they are not directly comparable with the appeal development, particularly because of their siting in relation to the roads/neighbouring dwellings. Accordingly, I have considered the proposal on the basis of the site-specific circumstances of this case.
11. Accordingly, I conclude that the proposal would adversely affect the character and appearance of the area. Therefore, the development would be contrary to Policy 10 of the Aligned Core Strategies Part 1 Local Plan, and Policy 17 of the Part 2 Local Plan 2018-2028, which collectively require, amongst other things, that developments reinforce local characteristics, integrate into their surroundings, and make a positive contribution to the public realm and sense of place.

Other matters

12. I acknowledge that the development would contribute to the supply of housing within the Borough and given the proposed layout, the bungalow would potentially provide housing for disabled people. It would also be within proximity of local amenities, given that it would be located within an

established residential area close to the town centre. There would also be some local economic benefit arising from the proposal. Nevertheless, the proposal relates to the provision of one dwelling and benefits in these respects are therefore limited.

13. I note that the appellants consider the proposed dwelling to be in the affordable range for the area. However, whilst I acknowledge that the proposal is for a small dwelling, no evidence to demonstrate that the proposal is for affordable housing has been provided, and moreover, there is no mechanism before me to ensure that the development would be secured and retained as affordable housing in perpetuity. This matter therefore carries limited weight in favour of the proposal.
14. The Council has no objection to the development in terms of its effect on the neighbours' living conditions or highways safety. From what I have read and seen, I have no reason to disagree. I also note that there have been no objections from neighbours. However, these are neutral matters rather than ones that carry weight in favour of the scheme.
15. I acknowledge the appellants' concerns regarding the service provided by the Council. However, this is a matter between the appellants and the Council. I have limited my consideration to the planning matters before me.
16. As set out above the proposal would cause significant harm to the character and appearance of the area and would fail to accord with adopted policies. The benefits of the scheme set out above carry limited weight, even considered cumulatively, and do not therefore indicate that permission should be granted.

Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR