



Appeal Decision

Site Visit made on 19 January 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2021

Appeal Ref: APP/N3020/W/20/3261883

Land east of 16 Kighill Lane, Ravenshead NG15 9HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Ms Lynne, Edwin and William Nightingale of Nightingale Trust against the decision of Gedling Borough Council.
 - The application Ref 2019/1187, dated 23 December 2019, was refused by notice dated 23 October 2020.
 - The development proposed is erection of up to 8 dwellings with (private) accesses and garaging.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission is sought with all matters reserved except access, scale and layout. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area, whether the proposal would provide adequate infrastructure; and the effects of the proposal on the living conditions of future occupiers of the properties in terms of privacy.

Reasons

Character and appearance

4. The surrounding area is characterised predominantly by residential properties of variant size and form. A prominent feature of the area is the spacious properties and large landscaped garden areas fronting onto the road forming a linear pattern of development along Kighill Lane. The built form is not constricted to this linear pattern with various buildings located behind the road fronting properties. Nevertheless, the linear form of development with landscaped gardens either side of Kighill Lane with the properties set back from the road are a defining feature which positively contributes to the character of the area.
5. The proposed development would introduce four properties fronting onto Kighill Lane that, whilst following the existing building line, would appear cramped and out of keeping with the surrounding built development of spacious properties and front landscaped gardens. The properties of plots 1 to 4 would be sited close together creating a dominant expanse of development. The front garden

areas of plots 1 to 4 would be small and primarily dominated by hard standing with little landscaped areas. This would be in contrast to the spacious garden areas of neighbouring properties that have reduced hard standing and prominent natural landscaping.

6. The proposed properties on plots 5 to 8 would be largely screened by the properties on plots 1 to 4. The form of plots 5 to 8 including the road layout is not dissimilar to the layout of the approved scheme¹ at land at 22 Kighill Lane. However, the appellant has indicated that the front elevations of properties on plots 5 and 6 would likely be devoid of windows to habitable rooms in order to avoid overlooking issues. Whilst appearance is a reserved matter, and no elevational plans have been submitted, it is a concern how the main façade of these properties would appear and effect the visual quality of the proposed scheme, given they would be visibly prominent particularly when accessing the properties on plots 7 and 8.
7. I have had regard to the appellants statement of case including the composite site layout plan and the various Council decisions² and appeal decisions³ for development in the immediate area. From the evidence submitted I am not convinced that these other schemes represent a direct parallel to the appeal scheme, particularly with regard to the number of units proposed and the appearance of the properties fronting onto Kighill Road. In any case, I have determined the appeal on its own merits.
8. My attention has been directed towards the surrounding housing allocations including those allocated under X5, X6 and H18 of Policy LPD67 of the Gedling Borough Local Planning Document Part 2 2018 (GBLPD). The appellant also states that the proposal for 8 dwellings would be consistent with the Council's expectation that the wider X5 allocation would accommodate 20 dwellings. These matters however do not outweigh the harm I have identified above with regards to the character and appearance of the area.
9. Accordingly, I find that the proposed development would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Policy 10 of the Gedling Borough Aligned Core Strategies Part 1 Local Plan 2014 (GBACS) and Policy LPD35 of the GBLPD which seeks development to reinforce valued local characteristics and be appropriate to the immediate context and character of adjoining streets and spaces.

Infrastructure

10. The appeal site makes up part of the housing site X5 as allocated under Policy LPD67 of the GBLPD. The other parts of housing site X5 have extant planning permissions for residential development which have mostly been built. The appeal site appears to be the last section of substantial land to be developed under housing site X5.
11. The supporting statements with Policy LPD67 detail that housing site X5 would be expected to deliver nine affordable homes and contributions towards education, health and open space. The Council acknowledge the piecemeal development of housing site X5, due to separate ownerships, and therefore

¹ Local Planning Authority Reference: 2018/1186

² Local Planning Authority References: 2018/1166; 2018/1186; 2018/1004; 2019/0129

³ Planning Inspectorate References: APP/N3020/W/19/3222258; APP/N3020/W/19/3232090; APP/N3020/W/19/3232093

indicate that the infrastructure or financial contributions for the appeal scheme should be proportionate to the number of dwellings proposed.

12. The proposal would not be contrary to Policy LPD36 of the GBLPD which seeks development sites of 15 dwellings or more to require affordable housing provision. However, the requirements of Policy LPD67 cannot be overlooked and the Councils approach for the appeal scheme to have infrastructure or financial contributions proportionate to the number of dwellings would be appropriate and reasonable.
13. From the information submitted, I am not convinced that the proposed development would be unviable if the infrastructure or financial contributions detailed in Policy LPD67 were required.
14. I therefore find, from the evidence before me, that the proposal would not provide adequate infrastructure. The proposal would be contrary to Policies 18 and 19 of the GBACS, Policies LPD62 and LPD67 of the GBLPD and the National Planning Policy Framework (the Framework) which seeks development to contribute to required infrastructure.
15. The Inspector for the appeal decisions³ at land at 22 Kighill Lane came to similar conclusions with regards to infrastructure. Viability assessments were submitted for Appeals B and C (refs: APP/N3020/W/19/3232090 and APP/N3020/W/19/3232093 respectively) whereas no viability assessment was submitted with Appeal A (ref: APP/N3020/W/19/3222258) and the Inspector subsequently found that the proposal would not provide adequate levels of infrastructure on Appeal A.
16. The appellant also indicates viability assessments were not submitted as part of the application for single houses at No 16 Kighill Lane (ref: 2018/1004) and rear of 16 Kighill Lane (ref: 2019/0129). Insufficient information has been submitted in respect of these schemes and given the difference in the scale of the developments with the appeal scheme, I cannot be sure that they represent a direct parallel. Nevertheless, I have determined the appeal on its own merits.

Living conditions

17. The positioning of the proposed properties and likely location of window and door openings would ensure that adequate levels of privacy would be provided. The front elevations of properties on plots 5 and 6 are located within close distance to each other. The appellant has noted that there would not be any principal windows in these front elevations. I therefore do not consider that there would be any direct overlooking issues between the properties on plots 5 and 6. The proposal would not compromise the living conditions of future occupiers in terms of privacy and would accord with Policy 10 of the GBACS and Policy LPD32 of the GBLPD which seeks, amongst other things, development to not adversely impact on the amenity of occupiers.
18. Whilst I am satisfied that the relationship between properties on plots 5 and 6 is acceptable in terms of privacy matters, the appearance of the front of these properties, which I have detailed above, remains a concern.

Other Matters

19. I have had regard to the appellants statement of case including reference to the Ministry of Housing, Communities and Local Government consultation paper of August 2020. This matter however does not alter my findings above or the conflict I have found with the GBACS, the GBLPD and the Framework.

Conclusion

20. I have found that the proposal would not adversely compromise the living conditions of future occupiers of the properties. However, this does not outweigh the harm I have identified with regards to character and appearance, infrastructure and the conflict with the GBACS, the GBLPD and the Framework.
21. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR