



Appeal Decision

Site visit made on 8 March 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/N3020/W/20/3263321

6 Gedling Road, Arnold NG5 6NW

- 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 and Mrs J Oldham-Smith against the decision of Gedling Borough Council.
 - The application Ref 2020/0863, dated 28 August 2020, was refused by notice dated 2 November 2020.
 - The development proposed was describes as: construct new bungalow and detached garage.
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Decision

1. The appeal is allowed and planning permission is granted to construct a new bungalow at 6 Gedling Road, Arnold NG5 6NW in accordance with the terms of the application Ref 2020/0863, dated 28 August 2020, subject to the attached schedule of conditions.

Preliminary Matters

2. The development for which planning permission is sought was described on the application form and decision notice as "construct new bungalow and detached garage". The appeal form describes the development as "construct new bungalow". In the formal decision I have used this description as it is a more precise and accurate reflection of the proposed development which permission is sought as the garage has been omitted from the scheme.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

4. The appeal site relates to the rear garden of 6 Gedling Road which is a two-storey, semi-detached property. The garden is considerably larger than other gardens in the area as it wraps around the garden of 8 Gedling Road. The appeal site has a neutral impact upon the character of the area as it is well screened by the existing built development.
5. Within the local area there are a diverse mix of uses and buildings vary in scale, massing and siting which results in a relatively discordant street rhythm. To the north west of the site is Washington Court, which is a two-storey flat complex which extends to the rear of the site, and a public house with a large

car park. These buildings are set further back from the road compared to Nos 6-28 Gedling Road. To the south east of the site is a primary school and directly to the rear is King George's Recreation Ground. Dwellings within Gedling Road vary in their design and massing and include terraces, semi-detached and detached properties.

6. Dwellings within Gedling Road are primarily laid out in a linear form with properties directly facing the highway. However, I observed on my site visit that there are numerous examples where this is not the case. For example, Nos 32-36 are set back from the highway and properties on Blake Close as well as dwellings between No 141 and 139 appear as backland development. Whilst differing in form and nature there is also a terrace of garages to the south east of the appeal site, situated behind Nos 10-20. In addition, although Nos 6-28 have a broadly consistent building line, there is not a consistent building line along Gedling Road given the different uses.
7. The proposed bungalow would be set back substantially from the highway and would not follow the predominantly linear form of development. Nevertheless, it would not be conspicuous from public vantage points as it would be single storey and would be screened by Washington Court and Nos 6 and 8. Given that there is not a strong pattern of development nor strong building line and due to the siting of the bungalow it would not be a prominent addition to the surrounding area. Thus, the scheme would not appear at odds with the mixed street scene which contains a variety of buildings which do not follow the linear form of development. The proposed development would therefore not adversely affect the character and appearance of the area
8. Accordingly, the scheme would comply with Policies 2, 8 and 10 of the Greater Nottingham Aligned Core Strategies: Part 1 Local Plan (2014) and Policies 35 and 40 of the Gedling Borough Local Planning Document: Part 2 Local Plan (2018). These Policies identify the settlement hierarchy to accommodate growth and the distribution of new homes and seek, amongst other matters, to ensure new development is of a high standard of design and does not adversely affect the area. It would also comply with sections 2, 5, 9, 11 and 12 of the National Planning Policy Framework (the 'Framework') which seek, amongst other matters, to make efficient use of land and to produce developments which are well-designed and sympathetic to local character.
9. Although not referred to in the reason for refusal, the Council states in the Officer's Report that the scheme would fail to accord with Policies LPD 32 and 34. Policy LPD 32 seeks to ensure that development does not have a significant adverse impact on the living conditions of nearby residents. The Council does not raise any issues with regards to living conditions of neighbouring occupiers and I have no reason to disagree. Policy LPD 34 relates to development involving the loss of residential gardens. Whilst the development would not result in a significant improvement to the urban design of the area, it would not cause harm to the character and appearance of the area. Thus, I am satisfied that the development complies with the overall aims of these policies.

Conditions

10. Several conditions have been suggested by the Council. The appellant has not disputed any of the proposed conditions in their final comments. The suggested conditions have been assessed in light of guidance found in the Planning

Practice Guidance and where necessary the wording has been amended for clarity and precision.

11. It is necessary to attach a condition specifying the approved plans as this provides certainty. Conditions relating to materials and landscaping are also necessary in order to preserve the character and appearance of the area.
12. To ensure that the development would not have an unacceptable effect upon the living conditions of the occupiers of neighbouring properties and to preserve the character and appearance of the area, a condition is necessary to ensure details of the boundary treatments are provided and carried out as approved.
13. A condition requiring details of an electric charging point is also reasonable and necessary in order to encourage sustainable solutions and to reduce the impact of vehicular emissions, in line with the Framework.
14. The Council suggested a condition removing permitted development rights. Such a condition rarely meets the tests of reasonableness and necessity. There is nothing to indicate that alterations and extensions to the bungalow under permitted development rights would result in any harm. Based on the evidence submitted, this condition has not been justified and thus is unreasonable and not necessary.
15. Additionally, the Council suggested two conditions relating to a construction emission management plan to minimise the emissions of dust and other emissions. I note that the Scientific Officer recommended a similar condition. However, I do not consider it to be necessary given the limited scale of the development and small extent of demolition that would take place. The condition has not been justified and there is no evidence to demonstrate that the living conditions of neighbouring occupiers would be harmed by dust and other emissions.

Conclusion

16. For the reasons given above, the appeal should be allowed.

L M Wilson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Bungalow (220:31:1) and Site Plan Revision A (dated October 2020).
- 3) No above ground construction works shall commence until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 4) No above ground construction works shall commence on the development hereby permitted until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. details of size, species, positions and densities of all trees, hedges and shrubs to be planted; and
 - ii. hard surfacing materials.

The landscaping works shall be carried out in accordance with the approved details before the dwelling is occupied. If, within a period of 5 years from the date of planting any tree or shrub, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or shrub unless the local planning authority gives its written consent to any variation.

- 5) The development hereby permitted shall not be occupied until details of the boundary treatment have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be carried out in accordance with the approved details before the dwelling is occupied and retained thereafter.
- 6) The development hereby permitted shall not be occupied until details for an electric vehicle charging point has been submitted to and approved in writing by the local planning authority. The charging point shall be carried out in accordance with the approved details before the dwelling is occupied and retained thereafter.