



Appeal Decision

Site Visit made on 24 March 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/N3020/W/20/3264971

6 St. Albans Road, Arnold, Nottingham NG5 6JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Simpull Limited against the decision of Gedling Borough Council.
 - The application Ref 2020/0981PN, dated 25 September 2020, was refused by notice dated 27 November 2020.
 - The development proposed is prior notification for the erection of two new storeys to the existing building to create 6no. new residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of my decision I have used the more concise description of the proposal given on the Council's decision notice and the appellant's appeal forms.

Main Issues

3. The main issues are the effect of the additional storeys upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of Seagrave Court in respect of light.

Reasons

Character and appearance

4. Towards the junction with High Street and Nottingham Road, two-storey and three-storey residential buildings characterise St Albans Road. There is also a car park access drive between the appeal building and the Ernehale Public House which sits within the commercial context of Arnold Town Centre. Overall, there is broad consistency in terms of the maximum number of storeys to both residential and commercial buildings in the area.
5. Whilst the architectural detailing would match that of the existing building, the additional storeys would significantly add to the height of the building. The resultant eaves and roofline would obtrusively project above those of the neighbouring building at Seagrave Court. The proliferation of windows serving the additional floors would further emphasise the additional height relative to surrounding buildings. As a result, the building would appear incongruous within the street scene of St Albans Road. I also noted on my site visit that the additional storeys would also appear at odds with the predominant scale of

buildings in and around the Town Centre when viewed from Nottingham Road and Arnot Hill Road. For these reasons, the external appearance of the building would result in significant harm to the character and appearance of the area.

Living conditions of the occupiers of Seagrave Court

6. The rear elevation of the appeal building projects past the position of some of the clear glazed windows serving the flats at Seagrave Court. The orientation of these windows, their position close to the appeal building and close to the interfaces of adjoining walls on Seagrave Court means they are already likely to be overshadowed for the majority of the day. Without any detailed evidence such as daylight surveys to demonstrate otherwise, I find that the development would be unlikely to be materially harmful to the living conditions of occupiers of Seagrave Court in respect of light.

Other Matters

7. From the evidence before me, the future intentions of the owners of Seagrave Court in terms of seeking to utilise permitted development rights for the creation of additional storeys is unknown. In any case any such proposals on this neighbouring building would need to be considered on their own merits. Therefore, I must assess the appeal proposal on the basis of the existing site circumstances.
8. I recognise the site is sustainably located and acknowledge the intentions of the Government to boost the economy and the supply of housing. However, the GDPO is clear that developments under Class AA require an assessment of their potential impacts against specified criteria including those matters considered under the main issues. Therefore, it is not a formality that all such development would be acceptable. Where harm is identified, the GPDO does not require that a balancing exercise to be undertaken with the potential benefits of a proposal. In any case, given the number of units proposed any benefits to the local economy and housing supply would be relatively modest in this instance and would not outweigh the significant harm that would result to the character and appearance of the area.

Conclusion

9. I have concluded that the development would be unlikely to result in a material loss of light for occupiers of Seagrave Court. However, the external appearance of the proposal would result in significant harm to the character and appearance of the area and is therefore unacceptable. In that regard the proposal would conflict with the general advice contained in Section 12 of the National Planning Policy Framework which amongst other things promotes the creation of high quality buildings and places.
10. The appeal is therefore dismissed.

M Russell

INSPECTOR