



Appeal Decision

Site visit made on 19 January 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/J3015/W/20/3261447

Land to the rear of 53 and 55 Kimberley Road, Nuthall, NG16 1DA

- 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 P Singh against the decision of Broxtowe Borough Council.
 - The application Ref 20/00178/FUL, dated 4 March 2020, was refused by notice dated 21 May 2020.
 - The development proposed is the Erection of a bungalow and detached double garage.
-

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.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site comprises parts of the existing rear gardens of 53 and 55 Kimberley Road. Currently to the rear of No 55 is a large bungalow named 'Temple Lake House' and a detached garage that serves this property. The site is accessed from the private driveway that serves Temple Lake House. The proposal seeks permission to erect a bungalow in part of the rear garden of No 53 and a detached garage to the rear of No 55, adjacent to the existing garage.
 5. This part of Kimberley Road is characterised by detached dwellings with large front gardens and driveways. The properties around No 53 also have long rear gardens, with mature vegetation leading to an open area with a lake beyond. Overall, the gardens create an attractive, verdant and spacious environment that contributes positively to the character of the area. There are a number of outbuildings in the rear gardens of the properties along this part of Kimberley Road. However, these buildings are of a limited scale and are single storey in height.
-

6. A detached garage to serve Temple Lake House was allowed on appeal¹ in 2019 and is adjacent to the site of the proposed detached garage. However, the garage is clearly ancillary to Temple Lake House in scale and is sited adjacent to both Temple Lake House and the dwelling named The Old Orchard to the rear. The garage is seen in conjunction with these dwellings and therefore does not detract from the spacious character of the area as a whole.
7. In contrast, the proposed dwelling would be situated in a more open part of the garden to the rear of No. 53, with no visual relationship with surrounding buildings. Although the proposal would only have limited visibility from the street, it would be visible from the rear of numerous dwellings. The proposed dwelling and garage would not be in keeping with the prevailing pattern of development on Kimberley Road and the introduction of an additional dwelling would detract from the spacious character of the area. The proposed dwelling would be considerably larger than the outbuildings within other rear gardens and would appear conspicuous as a result.
8. A bungalow was recently approved to the rear of 9 Edward Road (no reference number provided), to the west of Temple Lake House. The properties in Edward Road are more densely situated and have smaller rear gardens, therefore a dwelling to the rear of No 9 would not be at odds with the less spacious character of Edward Road and the circumstances are not directly comparable to the scheme before me.
9. I am mindful of the history of the site and the bungalow at The Old Orchard was constructed on former garden land. However, additional sub-division of plots and the erection of another dwelling and associated garage to the rear of Kimberley Road would significantly erode the spacious and verdant character that presently exists. I must determine the proposal against current planning policies and the fact that historic backland development has taken place does not dictate that further development would be acceptable.
10. For the reasons given, the proposal would cause harm to the character and appearance of the area and therefore would be contrary to policy 10 of the Greater Nottingham Aligned Core Strategies (2014), policy 17 of the Part 2 Local Plan (2019) and policy 5 of the Nuthall Neighbourhood Plan (2018). These policies all, amongst other things, require that new development positively contributes to the area.

Planning Balance and Conclusion

11. Whilst the proposal would provide housing, the provision of one additional unit would only make minor contribution to the overall housing supply in the area. There would be a small social benefit in providing an extra housing unit, and economic advantages would also arise from the construction and occupation of a new house that may be suitable for the elderly or those with a disability. However, these benefits would be limited on account of the scale of the proposal and would carry only limited weight as a result.
12. The Council raises no concerns regarding the effect of the proposal on neighbouring properties, the effect on the future occupiers of the dwelling, highway safety or any other matter, and I have no reason to disagree with this. I also accept that the site is in a sustainable location with regards to local

¹ Appeal ref. APP/J3015/D/19/3221253

facilities and public transport. However, all new residential development would be expected to achieve those standards to comply with the policies of the development plan and the absence of harm in those respects does not amount to a positive consideration in favour of the scheme.

13. Given that the benefits of the scheme are limited, they do not outweigh the harm to the character and appearance of the area I have identified, harm that carries significant weight against the proposal having regard to the conflict with the relevant policies of the development plan taken as a whole.
14. There are no material considerations to indicate that a decision should be taken other than in accordance with the development plan and, for the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR