



Appeal Decision

Site visit made on 7 May 2021

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2021

Appeal Ref: APP/N3020/W/20/3264734
Linby House, Linby Lane, Linby, NG15 8AF

- 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 William Baxter, Baxter Family Investments against the decision of Gedling Borough Council.
 - The application Ref 2020/0567, dated 18 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is four new detached single storey dwellings for the over 55's with eight associated parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice contains six reasons for refusal, many of which raise similar or related issues. I have had regard to all the reasons in considering the main issues identified below.
3. The appellant accepts that the proposal would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and that the introduction of buildings in an area currently absent structures would harm openness.

Main Issues

- (a) whether the proposal would preserve or enhance the character or appearance of the Linby Conservation Area and the effect on the setting on Linby House, described as a non-designated heritage asset;
- (b) whether suitable living conditions would be created for future occupants given the proximity of the proposed dwellings to retained trees, with particular regard to overshadowing, outlook and leaf litter;
- (c) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Heritage

4. The site is located in the Linby Conservation Area. It comprises a significantly extended Victorian villa accommodating a number of residential units within a large plot. The existing buildings are set back from the road behind gardens

incorporating numerous trees which are subject to a Tree Preservation Order reflecting their group value. The setback position of the building within the plot with large amounts of intervening space and greenery is consistent with other residential properties on this part of Linby Lane, providing a spacious and verdant appearance. This is an important characteristic of the conservation area, as recognised by the Council's Conservation Area Appraisal.

5. The proposed development would introduce four bungalows beyond the established building line and occupying the undeveloped site frontage. Whilst the buildings would not be prominent given their single storey design and scale, as well as the presence of retained boundary trees and additional proposed landscaping, they would nonetheless be visible, incongruous and intrusive from within the grounds of Linby House and the public realm. The design of the bungalows seeks to reflect features of the existing buildings on site and in the local vicinity and is not of itself objectionable. However, their contrived crescent layout with rear elevations facing the public realm would not assist their assimilation into the largely linear, street facing and traditional street pattern.
6. A significant number of protected trees would be removed as a result of the development. Whilst these have been classified as category B and C trees, as opposed to those of the highest quality, they are nonetheless important landscape features that contribute to the verdant character of the area. Their value derives from their presence in a group and not necessarily from their individual merit. The proposed loss of trees would undoubtedly add to the harm caused by the development, notwithstanding proposals for new tree planting as these would necessarily be smaller and on the site peripheries such that the same level of cover would not result.
7. The development would harm the character and appearance of the Linby Conservation Area, amounting to less than substantial harm in the terms of the Framework. This is not disputed by the appellant. I have had regard to the suggested benefits¹ which include meeting an identified local need for housing; age-appropriate housing to enable older people to live independent lives; the creation of a small community which will integrate well within the existing village, ensuring an age-friendly community; and the potential release of housing more suitable to the younger population and families, through downsizing. These public benefits do not outweigh the harm to the conservation area, which I attach great weight. For this reason alone, the appeal should fail.
8. For the reasons I have set out, the appeal proposal is in conflict with policies 10 and 11 of the Aligned Core Strategies Part 1 Local Plan (2014) (ACS) and policies LPD 26, LPD 28 and LPD 35 of the Local Planning Document Part 2 Local Plan (2018) (LPD), which seek good design that is appropriate to context and the protection of heritage assets and trees, amongst other things. In addition, given my conclusions, it could not be said that the development accords with policy LPD 34, which only allows for development in residential gardens in appropriate circumstances.
9. I have also taken the effects of the proposal on Linby House, described as a non-designated heritage asset, into account. However, little information has

¹ Including the related papers attached to the appellant's statement of case as appendices

been provided as to the significance of the building and this adds little to my conclusions above with respect to a designated heritage asset.

Living conditions

10. The proposed dwellings would be located very close to existing and sizeable trees within the site which would inevitably affect the amount of daylight reaching the rear facing rooms. However, the submitted plans indicate that these would predominantly comprise bedrooms and bathrooms where high levels of light are likely to be less important. Conversely, the main living accommodation would be at the front of the properties, which would receive good levels of direct sunlight given their orientation. On this basis, I am satisfied that future occupants would receive sufficient levels light.
11. Furthermore, I do not share the Council's concern that the trees would provide an unsuitable outlook for future residents. Views from rear windows would be towards the proposed communal gardens with established and supplemented tree planting and landscaping. In my view, this would be capable of providing a pleasant outlook subject to appropriate maintenance and management, as offered within the submitted Unilateral Undertaking. Such management could also mitigate the effects of leaf litter, though this is a normal consequence of living in proximity to trees and need not be harmful to living conditions.
12. The scale and close proximity of the retained trees to the proposed dwellings could lead to complaint or requests for further tree works from future residents but this would not necessarily be the case given the management provisions proposed. Further tree works would remain within the control of the Council given the presence of a Tree Preservation Order and the conservation area.
13. Overall, I am satisfied that the development would provide suitable living conditions for future occupants. As such, there would be no conflict with policy 10 of the ACS or policies LPD 32 and LPD 35 of the LPD, so far as they seek to ensure suitable living conditions.

Other considerations

14. The appellant refers to a range of public benefits arising from the development. I have taken these into account, as listed in the heritage section above, including the social and well-being benefits that would arise to future occupants from living together in a newly formed community. I have also taken the desirability of meeting the housing needs of older people into account, noting that age is a protected characteristic to be considered under the Public Sector Equality Duty. However, bearing in mind that the proposal would only provide 4 dwellings, that much of the identified need for smaller housing has already been met in Linby and the potential for windfall sites to deliver the remainder without the totality of the harms identified in this case, I attach only moderate weight to this matter.

Whether very special circumstances exist

15. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Substantial weight should be given to Green Belt harm. In this case, the development would introduce four

bungalows into an area that is currently undeveloped, harmfully impacting upon openness in both visual and spatial terms and conflicting with the aim of Green Belt policy to keep land permanently open. No support is to be found in policy LPD 15 of the LPD as the proposal does not constitute infill development.

16. The proposed scheme would constitute inappropriate development in the Green Belt for the purposes of the Framework and would harm openness. It would also harm the character and appearance of the Linby Conservation Area. I have considered the grounds presented in support of the development but together they do not come close to outweighing the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.

Conclusion

17. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR