



Appeal Decision

Site visit made on 25 May 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/J3015/W/21/3266771

21 Barratt Lane, Attenborough, Nottingham, Nottinghamshire NG9 6AD

- 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 Richard Ling against the decision of Broxtowe Borough Council.
 - The application Ref 20/00154/FUL, dated 21 January 2020, was refused by notice dated 14 July 2020.
 - The development proposed is demolition of existing wall and dilapidated outbuilding and the construction of a detached dwelling with associated car parking, access drive and new access to the highway, the construction of a new boundary wall and the removal of two trees.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (i) whether the proposal would preserve or enhance the character or appearance of the Barratt Lane Conservation Area (BLCA) with particular regard to the setting of 21 Barratt Lane;
- (ii) the effect of the development on the amenity value of trees; and
- (iii) the effect of the development on the living conditions of future occupiers of the proposed dwelling with regard to light.

Reasons

Character or appearance

3. The appeal site is located at the junction of Barratt Lane and Barratt Close within a residential area located between Nottingham Road and the railway line and within the BLCA. The significance of the BLCA is in part derived from the variety of large high-quality historic villa dwellings and the unusual 'back to front' orientation of these villas along Barratt Lane, which results in tall brick walls and outbuildings facing the street. Mature tree cover and hedges contribute to a village appearance and the tall brick walls provide local character and continuity to the street frontage.
4. The appeal site comprises land to the north side of Attenborough House (No 21 Barratt Lane), which has a significant number of mature trees within it,

together with part of the side and rear area of No 21 which contain a boundary wall, outbuilding, hardstanding and garaging associated with the house. No 21 is described in the BLCA Character Appraisal as a substantial Victorian villa which is a key character building at the western end of Barratt Lane. The area of the appeal site adjacent to the house is acknowledged as a gap site within the character appraisal and described as a vacant holding fenced off from neighbouring properties. Adjacent land broadly to the north and west are in commercial use with the northern site located within, but acknowledged as a detractor to, the BLCA.

5. No 21 is an attractive focal point at the road junction of Barratt Lane and Barratt Close. It is set apart from buildings and the land around it provides a spacious mature landscaped setting. I acknowledge the appellant's point that the trees within the site are a visual barrier, but spaciousness in this context refers to the absence of significant built development. The boundary wall and outbuilding, whilst not acknowledged as important boundary treatment in the BLCA Character Appraisal, define the side boundary of the house and has a functional and historical relationship to it that contributes to the setting of the house.
6. From Barratt Lane the mature landscaped setting and attractive roofscape of No 21 are visible and provide a pleasant back drop to the closer-knit development on the south side of the Lane. In this view the setting of No 21 has a rural quality that makes a positive contribution to the village appearance of the BLCA and the contrast between the appeal site's rural qualities and the more urban arrangement of buildings on Barratt Lane is highlighted.
7. The proposed dwelling would be designed to reflect the scale, proportion, and appearance of the local vernacular architecture of the BLCA and would be located centrally within its plot. Even so, the proposal would be prominent against the recessed front elevation of No 21, despite the design features proposed to lessen its scale next to the joint boundary and the wider frontage of No 21. By virtue of the introduction of a significant mass of built development in close proximity to, and forward of, the existing dwelling, the proposal would be visually obtrusive when viewed from the surrounding roads and footpaths and the proposed dwelling would diminish the positive contribution the spacious setting of No 21 makes to the character and appearance of the BLCA.
8. In addition, the siting of the proposed dwelling would result in the loss of the outbuilding and the boundary wall and require the relocation of the boundary line. The loss of the boundary features and the space to the side of the house would disrupt the visual connection between No 21 and its historic context. It would have a detrimental effect on the setting of No 21 as a local interest building and the contribution it makes to the character and appearance of the BLCA.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of any function under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In this case, the proposal would be a discordant feature that would not preserve or enhance the BLCA.
10. The harm to the conservation area would be modest in the context of the BLCA as a whole. In the terms of the National Planning Policy Framework (the

Framework), the development would result in less than substantial harm to the significance of the BCLA as a designated heritage asset. The Framework advises that less than substantial harm to the significance of designated heritage assets should be weighed against the public benefits of the proposal.

11. The dwelling would provide a small but valuable contribution to the supply of housing and would do so by making good use of land within the existing urban area in an accessible location as advocated by the Framework. The letter provided by the appellant¹ is further evidence of the support for such an approach. The provision of a dwelling may also minimise in a small way the land take within the surrounding Green Belt. Although my attention has not been drawn to any shortage of housing land supply, the Framework seeks to boost the supply of housing. However, as the contribution to housing supply would be small, I can only attach limited weight to the social and economic benefits of the provision of a dwelling.
12. These limited public benefits would not outweigh the great weight to be attached to the conservation of heritage assets and the proposal would conflict with the Framework.
13. Overall, the proposal would not preserve or enhance the character or appearance of the BLCA with particular regard to the setting of 21 Barratt Lane. It would conflict with Policies 10 and 11 of the Broxtowe Borough Aligned Core Strategies Part 1 Local Plan (CS) and Policies 17 and 23 of the Broxtowe Borough Council Part 2 Local Plan 2018 – 2028 (Local Plan) where these policies seek to ensure that development is sympathetic to the character and appearance of heritage assets, integrates with its surroundings and makes a positive contribution to public realm. It would also conflict with the Framework where it seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Trees

14. The appeal site contains significant tree cover. The group of trees is prominent with the BLCA and appreciably contributes towards the surroundings and the street scene. The proposal would include the removal of two significant trees within the centre of the site. The parties agree that these trees have a restricted life span and their removal is accepted.
15. The canopy spread of the trees to be retained, and those trees on the boundary of the site in neighbouring land, markedly overhang the site. The drawings indicate that parts of the dwelling would be close to tree canopies and that trees would overhang a significant proportion of the rear garden space. The proposed dwelling and its garden area would be affected by heavy shading. The heavy shading of the site would be likely to result in future pressure from the occupiers of the dwelling for the trees to be lopped, topped, or felled. This would substantially reduce their amenity value.
16. I appreciate that the Council would retain control over whether permission is given to fell, lop, or top the trees. However, it may be difficult for the Council to resist applications to lop, top, or fell in circumstances where safety is at issue, or where damage is being sustained.

¹ Letter from The Rt Hon Esther McVey MP, Ministry of Housing, Communities & Local Government dated 2 October 2019

17. Overall, I conclude that the development would have an unacceptable effect on the amenity value of the trees within and adjacent to the appeal site. As such it would not comply with Policies 10 and 11 of the CS and Policies 17 and 23 of the Local Plan for the reasons set out above.

Living conditions

18. The heavy shading caused by the proximity of the trees would also be likely to significantly reduce light levels to the area around the proposed dwelling. Given the number of trees within the plot and their proximity to the proposed dwelling, the rear garden area would be likely to be gloomy.
19. The high boundary wall to the rear of the plot would further limit light into the rear garden, even though the rear garden would have a westerly aspect. The rear garden would also be partially shaded by No 21. Therefore, future occupiers of the dwelling would be likely to suffer from lack of sufficient light into the rear garden area.
20. Consequently, I conclude that the proposal would provide inadequate living conditions for future occupiers of the proposed dwelling with regard to light in conflict with Policy 17 of the Local Plan where it requires a satisfactory degree of amenity for occupiers of new development. It would also conflict with the Framework where it seeks to ensure a high standard of amenity for future users.

Other Matters

21. I acknowledge that the extension to the side of No 21 indicated on the site layout plan is not to be implemented. This extension was in a recessed area towards the back of the elevation. The removal of the extension from the scheme to convert the existing property into flats² would not affect, in any meaningful way, the space between the proposed and existing dwelling when viewed from Barratt Close or Barratt Lane.

Conclusion

22. Overall, for the reasons given above, I conclude the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR

² Under local authority reference 20/00164/FUL