
Appeal Decision

Site Visit made on 19 October 2021

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/W3005/W/21/3271964

**114-116 Victoria Road Post Office, Victoria Road, Kirkby In Ashfield
NG17 8AS**

- 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 Vikram Landay against the decision of Ashfield District Council.
 - The application Ref V/2020/0649, dated 29 September 2020, was refused by notice dated 16 December 2020.
 - The development proposed is described on the application form as 'demolish existing garage/store and erect three storey dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021, the main parties have been given an opportunity to comment on its provisions in regard to the appeal. I have taken any responses into account and referred to the Framework in my decision.

Main Issues

3. The effect of the proposed development upon 1) the character and appearance of the area, and 2) the living conditions of the occupiers of surrounding residential properties, having particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is located in a predominantly residential area characterised by rows of mainly two storey terraced houses. Gaps between the rear walls of terraces and the gable wall of properties in neighbouring streets are, however, also a characteristic feature of the area. The site at present represents one such gap, bringing relief to the close-knit pattern of development nearby. The neighbouring terraced properties, and those on the opposite side of the street, are sited adjacent to the back edge of the pavement. They incorporate detailed design elements including stone headers and cills to windows and string courses within the brickwork.
5. The proposed new dwelling would sit close to the back edge of the pavement, and in that respect would reflect the prevailing arrangement. Nevertheless, it would occupy more than half the width of the site. Moreover, it would infill a

significant part of the space that currently exists between the host property and No 2 Hampden Street. Consequently, it would significantly erode the open character of this part of Hampden Street. The proposal would furthermore result in a dwelling of a cramped appearance for its plot, odds with the established grain and pattern of development in the locality.

6. Furthermore, whilst noting the appellants comments regarding the design of the proposed dwelling I do not accept that it would reflect the scale of the terraced houses on the Hampden Street frontage. The proportions of the building would sit awkwardly in respect of its plot size and there is no street scene elevation to enable me to make a robust assessment. Moreover, it would lack the refined detailing that is evident on the neighbouring properties. Consequently, it would appear as an incongruous feature that would be out of character with its immediate neighbours.
7. Accordingly, I conclude that the proposal would be harmful to the character and appearance of the area, in conflict with Policies ST1 a) and b) and HS5 g) of the Ashfield Local Plan Review (2002) which, amongst other matters, seeks to safeguard the character and quality of the built environment, and secure designs that are acceptable in terms of appearance, scale and siting. Similarly, for the foregoing reasons the scheme would conflict with the approach set out in paragraph 130 of the Framework which, amongst other matters, seeks developments that are visually attractive and sympathetic to local character.

Living conditions

8. The proposal would lie to the rear of the dwellings at Nos 110 and 112 Victoria Road and would be visible from the windows in the rear elevations of these properties, including from the first floor level. However, I find that the existing outrigger at No 112 would limit the impact of the proposed development when viewed from these properties. Consequently, it would not adversely affect the internal living conditions of the occupiers.
9. Nonetheless, it would be readily visible from within the rear gardens of these properties. Therefore, although the roof of the proposal would slope away from the common boundaries, I find that its location close to the boundary, scale and mass would result in a prominent and intrusive building that would appear overbearing. And as I have reasoned above the proposed development would be obtrusive in this location, resulting in atypically compromised living conditions to neighbouring residents. Consequently, it would have a significantly adverse impact on the enjoyment of the rear gardens of Nos 110 and 112.
10. In light of the foregoing, I conclude that the proposal would harm the living conditions of the occupiers of neighbouring properties when utilising their gardens, contrary to Policy ST1 b) and HG5 a) of the Ashfield Local Plan Review (2002), and the Framework, which jointly seek to secure a high standard of amenity for existing and future occupiers.

Other Matters

11. I acknowledge that the appellant has been proactive in discussing the proposal with the Council and made revisions to it during the consideration of the application. However, the amendments made do not result in an acceptable scheme in terms of character and appearance, or in respect of the amenity of neighbouring residents, that I have identified above.

12. Furthermore, I note the appellants reference to the need for affordable housing within the urban area. Be that as it may, there is no indication before me that the development proposed is intended as affordable housing, as defined in the Framework, nor a mechanism to secure it as such.
13. I accept that the proposal would have certain benefits, including adding to housing stock locally, and in supporting employment during construction and as future occupants would bring trade to nearby services and facilities. However, the benefits of one new home in that context would inevitably be limited, and moreover in this instance confined to a numerical contribution rather than in terms of quality. Neither the support for new housing in the development plan, nor the Framework, is at the expense of ensuring that all development is appropriately designed. Consequently, there are no other material matters that indicate that the development should be allowed.

Conclusion

14. There are no material considerations that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR