
Appeal Decision

Site visit made on 26 October 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/P3040/W/21/3278090

25 Thornton's Close, Cotgrave NG12 3TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Clines against the decision of Rushcliffe Borough Council.
 - The application Ref 20/02654/OUT, dated 26 October 2020, was refused by notice dated 15 January 2021.
 - The development proposed is a detached single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme seeks outline planning permission with all matters reserved. I have determined the appeal accordingly, considering the submitted site layout plan as illustrative only.
3. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. I note that submission documents were received after this date of publication and therefore the main parties have had opportunity to take account of any changes. I have taken any subsequent comments received into account in my determination of this appeal.

Main Issues

4. The main issues are the effects of the proposal on the character and appearance of the area and whether the proposal would provide suitable living conditions for future occupiers of the dwelling.

Reasons

Character and Appearance

5. The appeal site comprises the bottom section of the rear garden of No.25 Thornton's Close, a semi-detached bungalow. The proposal seeks outline planning permission to sub-divide the existing plot and erect one single storey dwelling with off-street parking.
6. Thornton's Close is characterised by a mixture of single and two-storey dwellings set a fairly regular distance back from the road. The front gardens

are open and generally include off-street parking, while to the rear the amenity spaces are more generous and enclosed. There is a dense pattern of development in the area, although this is offset somewhat by generous gaps between adjoining dwellings in the street scene.

7. The Rushcliffe Residential Design Guide Supplementary Planning Document (the SPD) (adopted March 2009) advises that infill development should respect the existing massing, building form and heights of buildings within their immediate locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern, while the side spacing to neighbouring properties should be maintained where a consistent and regular arrangement already exists.
8. The location of the dwelling is prominent in views from the public domain given its location on the bend of the road. The erection of a dwelling in this location would introduce significant built form and erode the existing gap which provides a visual break and offsets some of the density in the streetscene. Moreover, the front of the new dwelling would not align with the front of the adjacent terrace (No's 5 – 11) while a single storey detached dwelling would appear visually discordant in the immediate locality.
9. Furthermore, given the size of the resulting plot and the indicative footprint of 55m² of the dwelling, the front and rear gardens would be uncharacteristically shorter than other properties in the area. There would also be little remaining space to either side, and the dwelling would appear cramped and contrived as a result. While I understand matching materials would be used in any future design, this would not overcome my concerns in this regard.
10. My attention is drawn to a single-storey dwelling approved at 1a Thornton's Close. I have little detail on this, such as site drawings or other application documents, although I did observe this dwelling from the street on my site visit. However, this appears to follow the established building line of this side of the street and does match the single storey scale of the bungalows immediately adjacent. In any event, each proposal is assessed on its own merits and that application would have had its own site-specific circumstances which led to its approval. Its existence does not lead me to conclude the proposal before me is acceptable.
11. Based on the above, the proposal would harm the character and appearance of the area and would therefore conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (the CS) (adopted December 2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (the LPP) (adopted October 2019). These seek to ensure, among other things, that all new development should be designed to make a positive contribution to the public realm and sense of place.

Living Conditions

12. The indicative layout demonstrates there would be a parking area to the front with the main amenity space for future occupiers of the property to the rear. There would be little space remaining to either side. The SPD advises there should be rear gardens with a depth of 10m to the boundary and garden sizes of 55 square metres (sq m) for 1 and 2 bed properties. The SPD goes on to state where these guidelines are not met, developers will be required to

demonstrate why smaller gardens are acceptable and explain how they meet the overall objectives of the Design Guide.

13. The depth of the rear garden would be 4m based on the indicative layout plan which would fall significantly short of the advised depth in the SPD. There appears to be disagreement between the parties as to the overall amount of amenity space to be provided. Although the appellant states the area would meet the minimum requirement advised in the SPD, there is nothing substantive before me to confirm this. Moreover, the majority of this space would be to the rear given the proposed parking area to the front. Based on the figures submitted and indicative site layout I am concerned the proposed amenity space would not be sufficient for a future occupier of the property to ensure suitable living conditions. While it is claimed the size of the property would be attractive to the elderly or retired, there is no guarantee this would be the case nor would this overcome the harm I have identified in this regard.
14. Based on the above, the proposal would not provide suitable living conditions for prospective future occupiers of the dwelling with regards to outdoor amenity space. This would be contrary to Policy 10 of the CS and Policy 1 of the LPP which state, among other things, that sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space.

Other Matters

15. I understand that the appellant is concerned with the Council's handling of the application. However, although I understand the appellant's frustrations in this regard, this is not relevant to the appeal process and has not had a bearing on my decision.

Conclusion

16. The proposal would harm the character and appearance of the area and would not provide future occupiers with suitable living conditions with regards to outdoor amenity space. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR