



Appeal Decision

Site visit made on 7 September 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/N3020/W/21/3276771

44 Perlethorpe Avenue, Gedling NG4 4GG

- 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 Oren Harkavi against the decision of Gedling Borough Council.
 - The application Ref 2021/0034, dated 16 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is described as: New Single Storey Dwelling to Land Rear of 44 Perlethorpe Avenue, Gedling, Nottingham, NG4 4GG.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The site comprises the dwelling and associated domestic curtilage of number 44 Perlethorpe Avenue. The proposal is for a bungalow sited in the rear garden of the host property, accessed from the existing vehicle and pedestrian access of No. 44.
4. The existing dwelling is a two-storey detached property located in a residential area. Perlethorpe Avenue runs broadly south to north between Westdale Lane End and Wollaton Avenue. The southern half of Perlethorpe Avenue, from the appeal site to Westdale Lane End, is characterised by two-storey detached and semi-detached dwellings, sited behind front gardens in a fairly consistent building line; the properties have relatively deep rear gardens.
5. The northern half of Perlethorpe Avenue consists of detached bungalows and a handful of cul-de-sacs, a few on each side of the road, comprised of detached bungalows and two-storey detached and semi-detached dwellings. Except for Storey Avenue, the cul-de-sac closest to the appeal site, where some of the all-be-it small number of properties are positioned at an angle to the road, the dwellings along the northern half of Perlethorpe Avenue and the cul-de-sacs that extend off it, also front the road from behind front gardens laid out in a fairly consistent building line, with gardens to the rear. The pattern of development/layout of properties along Perlethorpe Avenue is representative of, and consistent with, the pattern of development/layout of dwellings on many of the streets in the surrounding area.

6. I note at the outset that the Council is not opposed to the principle of using garden land for development of residential units. However, such proposals must be acceptable in respect of all other planning matters, one of which is the effect development would have on the character and appearance of the area.
7. I consider that erecting a separate dwelling within the rear garden of the host property as proposed would erode the predominant pattern, as described above, of development/layout of dwellings along the streets in the area; and I conclude that such an erosion would be detrimental to, and significantly harm, the character and appearance of the area.

Other considerations, planning balance and conclusion

8. In support of the proposal, the appellant has referred to other developments in the surrounding area that include dwellings permitted on garden land, outbuildings and extensions in the gardens of properties, and a theoretical fall-back position of erecting an outbuilding of a similar size to the proposed dwelling, and sited in a similar position to it, in the rear garden of No. 44.

Fall-back

9. I refer to the fall-back as being theoretical as I have not been provided with any evidence that a Certificate of Lawful Development has been obtained. I therefore cannot attribute full weight to it. However, even if I did attach full weight to it, development of an ancillary/incidental outbuilding in the rear garden of the host dwelling differs significantly to erecting a separate residential unit in the rear garden. Although the appellant may be able to erect an ancillary/incidental outbuilding of a similar size to the proposed dwelling, sited in a similar position, such an arrangement would not alter the predominant pattern/layout of development in the area. The pattern of development is that of dwellings that can and do have detached outbuildings in their rear gardens which are ancillary/incidental to them. Whereas erecting a separate dwelling in the rear garden of the host property would alter the pattern/layout of development in the area, an alteration which I have found would erode and consequently harm the character and appearance of the area.

Other developments in the area

10. The appellant has referred to several developments which he considers assist in justifying the proposal; some are within proximity of the site; others are some distance from it. With regards to the cases that comprise of domestic outbuildings within the gardens of dwellings and/or extensions to dwellings, for the reasons outlined above, I do not consider such developments to be comparable to the proposal before me regarding the matter of the effect of development on the character and appearance of the area. I therefore attach little weight to these cases.
11. I have not been provided with full details of the cases referred to by the appellant which consist of a dwelling being erected in the garden of another dwelling and/or to the rear of another dwelling. However, I shall comment to the extent I am able to from the information provided and the observations I made during my site visit.
12. From the site plan provided related to number 5 Celia Drive, it can be clearly seen that the development is sited to the side of the dwelling, and not to the rear of it. Furthermore, it is sited between 2 dwellings and also fronts the road

in a manner comparable to the resultant neighbouring properties. I therefore conclude that this development is not comparable to the proposal before me.

13. It can be seen in the image provided of the developments referred to off Brookwood Crescent, these dwellings are accessed via a track that is separate from the respective dwellings either side of the track. Additionally, one of the dwellings to the rear of one property fronting Brookwood Crescent is orientated at a right angle to it. Hence, the separate access track and layout of the 2 properties is akin to a small cul-de-sac arrangement. I therefore conclude that these developments are also not comparable to the proposal before me.
14. With regard to the site of number 8 Storey Avenue, it is asserted that a garage previously erected has since been demolished and replaced with a large property, positioned next to 2 boundaries, with a pitched roof that has velux roof lights and a glazed front that does not resemble a garage. I acknowledge that the image provided shows a single storey building as described by the appellant located to the rear of No. 8. However, I am not able to conclude from the image provided or the limited observations I was able to make during my site visit, that the said building is a separate dwelling, and if it is whether it has planning permission. I therefore cannot be sure that this site and the appeal site are comparable. Consequently, I cannot attach significant weight to the matter.

Benefits

15. The proposal would provide an additional dwelling in the area, which would make a minor contribution to the overall housing needs of the Borough. The appellant suggests that the proposed dwelling is a house type that is in short supply in the area. However, I have not been provided with any evidence to substantiate this claim. The proposal would also provide minor economic benefits, for example during the construction phase.

Conclusion

16. I have found that the proposal would significantly harm the character and appearance of the area. The proposal does not therefore accord with Policy 10 of the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies, Part 1 Local Plan, 2014, policies LPD 34 and LPD 40 of the Gedling Borough Local Planning Document, Part 2 Local Plan, 2018, or paragraph 130 of the National Planning Policy Framework. Collectively, and among other things, these policies require development to have regard to local context, be sympathetic to local character, not adversely affect the area by reason of layout, and not involve the loss of residential garden (unless certain criteria are met, which I consider the proposal does not satisfy). I consider the other considerations referred to, neither individually nor collectively, constitute other considerations that lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR