The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:3RD February 2022

Appeal Ref: APP/Q3060/D/21/3287960
Springwood, Woodland Drive, Nottingham NG3 5EX

- 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 and Mrs Singh against the decision of Nottingham City Council.
- The application Ref 21/01789/PFUL3 (PP-10081338), dated 28 July 2021, was refused by notice dated 3 November 2021.
- The development proposed is the erection of a garage/garden building.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Mapperley Park and Alexandra Park Conservation Area (CA), within which the site falls.

Reasons

3. Mapperley Park and Alexandra Park developed as an exclusive suburb for the Edwardian middle classes and the resulting architectural and landscape quality of the CA is generally high. The CA is mainly residential in character with detached buildings predominating often within good sized landscaped plots. Springwood is one such example. Streets within the CA are typically tree lined and many buildings are set back from the highway behind mature planting within gardens. Together, these features give the CA its spacious and verdant qualities, and they positively contribute to its character and appearance.

4. The proposal is to erect a detached single storey building for use as garages and storage on land that currently forms part of the garden of Springwood. The new addition would occupy a prominent position on sloping land near to the junction between Mapperley Hall Drive and Woodland Drive with a new access created from the former.

5. The appellants consider that the new building would be modest in scale and height. However, it would still introduce a substantial new built form into undeveloped garden space. This pleasant garden, with its largely open grassed area, mature trees and established vegetation, makes an important and positive contribution to the CA. It does so by providing a notable visual break between existing development; by creating a welcome sense of openness in the local street scene; by contributing to an attractive vista and a sylvan setting

especially along Mapperley Hall Drive; and by visually softening the appearance of some buildings.

6. According to the Council's CA Character Appraisal and Management Plan (CA&MP), the presence of front gardens to all dwellings was a critical element in the social distinction of the area as a middleclass suburb. Because the site is part of a large residential garden that fronts and is visible from two roads, it is capable of also positively contributing to the historical significance of the CA.

7. The new building would be set back from the road and the provision of retaining banks on the layout plan imply that the development would be cut into the sloping ground. However, the appellants' opinion that the proposal would blend seamlessly into its residential surroundings is, to my mind, misplaced. The proposal would introduce a substantial new built form with hard surfaces for access and vehicle parking into what is otherwise undeveloped garden. The character of the land in question would be transformed from a pleasant open landscaped area to one occupied by a new building and parked vehicles. The new addition would also interrupt the attractive open views across the site from Mapperley Hill Drive and noticeably diminish the spacious feel to the local street scene.

8. The CA&MP warns that the loss of gardens to facilitate off street parking has undermined the Arcadian qualities of the CA. By introducing an unwelcome and visually intrusive element into open garden space, it is one such example of that threat. It would also dilute the significance of large gardens as a historic and locally distinctive feature of the CA, to which the CA&MP refers.

9. The appearance of the building and additional planting could, to some extent, mitigate the visual impact of the proposed development. However, even with matters such as external materials and landscaping covered by conditions, the proposed built form would not be readily assimilated into this largely open landscaped area. While I saw some examples of garages and outbuildings in the CA, none were directly comparable with the particular circumstances of the proposal before me that, in any event, has been assessed on its own merits.

10. Several trees within the site and those within the footway to Mapperley Hall Drive combine to give the local street scene and the CA an attractive feature and a verdant quality. Some of these trees would be close to the new building and the proposed access. While an Arboricultural Impact Assessment (AIA) has been submitted, the version before me relates to a different proposal on another part of the site and it does not contain a plan showing the trees to which the survey relates. As a result, I am unable to relate the findings of the AIA to the trees 'on the ground' nor rely on its conclusions insofar as the proposal is concerned.

11. From what I saw, there is a strong likelihood that the root protection areas of some trees would be close to if not encroach into the area of development. The excavation work required for the building's foundations, any retaining structures, drainage, and the possible laying of services could also take place close to some trees, which might also cause significant damage to their roots. The stability of the ground that currently anchors some of the existing trees could also be disrupted by the new development.

12. For these reasons, the proposal has significant potential to cause harm to some of the trees. In the absence of a detailed and complete survey to fully assess

the effect of the appeal scheme upon them, I am unable to conclude that the proposal would not cause significant harm or that their contribution to the character and appearance of the CA would not be unacceptably diminished.

13. A condition could require the necessary investigations to be carried out to safeguard the trees during construction and after the development is complete. However, since the results of those investigations are central to the acceptability of the proposal, it would be inappropriate to impose a condition requiring the submission of such details at this stage. In those circumstances, there is insufficient evidence to demonstrate that the proposed development would not cause significant harm to the health and life expectancy of the trees.

14. The CA&MP states that trees are a key component of the CA's historical development and make a significant aesthetic contribution to the character of the area. By failing to demonstrate that the proposal would not materially harm the longevity and health of trees within and just beyond the site, the proposal could unacceptably diminish this contribution.

15. Given the modest scale of the development sought, the harm caused by the proposal on the significance of the CA as a heritage asset would be less than substantial. In those circumstances, the National Planning Policy Framework (the Framework) advises that the harm should be weighed against the public benefits. No such benefits have been put forward and none would outweigh the significant harm that I have identified.

16. On the main issue, I conclude that the proposed development would cause significant harm to, and thus fail to preserve or enhance, the character and appearance of the CA. As such, it conflicts with Policies 10 and 11 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan and Policies DE1, EN7 and HE1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2. Together, these policies seek to ensure that new development retains and protects high value trees; respects and enhances the town space and character of an area; and conserves heritage assets in line with their interest and significance.

17. There would also be a conflict with the statutory duty, which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. The proposal would also be at odds with the Framework with regard to the protection of heritage assets.

18. Once complete, the new building would provide space to store vehicles, garden equipment and other domestic items. It could also provide a charging point for an electric car. The opportunity to use the existing garages at Springwood for these purposes is no longer available following their conversion to living accommodation. However, there is nothing before me to demonstrate that these requirements could only be met in the manner proposed.

19. Interested parties raise several additional objections including highway safety, wildlife, flooding, the accuracy of, and detail shown on, the submitted plans and the potential to convert the new building to provide living accommodation. These are all important considerations and I have had regard to all the submitted evidence. However, given my findings on the main issue, these are not matters that have been critical to my decision.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR