
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: 7th February 2022

Appeal Ref: APP/P3040/D/21/3286906

White House, Manor Park, Ruddington NG11 6DS

- 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 Bullock against the decision of Rushcliffe Borough Council.
 - The application Ref 21/00949/FUL, dated 22 March 2021, was refused by notice dated 8 September 2021.
 - The development proposed is the demolition of existing garage and construction of new garage and golf room.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appellants have made an application for costs against the Council. This application will be the subject of a separate decision.

Main issue

3. On the appeal questionnaire, the Council has ticked the box indicating that the proposed development would affect the setting of a listed building. To the northeast of the site is South Manor and an attached wall that are a Grade II listed building. From what I saw, the proposed development would be some distance from this building and wall with limited inter-visibility between them due to the screening provided by existing trees and other vegetation. As such, I share the opinion of the Council's Planning Officer that the setting of this listed building would not be harmed. Its setting and significance as a heritage asset would be preserved if the proposal were to come forward.
4. Consequently, the main issue is whether the proposed development would preserve or enhance the character or appearance of the Ruddington Conservation Area.

Reasons

5. The site falls within the Ruddington Conservation Area (CA), which covers a large and diverse area. From what I saw, the CA derives its significance as a designated heritage asset from this rich diversity, which includes a compact village core, a number of historic buildings and several detached properties within good sized plots often with mature planting in gardens.

6. The White House is a large mainly 2-storey dwelling with a detached single storey garage and an open fronted log store just beyond one corner. The dwelling is set back from the road and accessed by a private driveway. It stands within a generous plot that is partly enclosed and includes trees and other vegetation. Together, these features give the appeal property a secluded sylvan setting. As such, the site reinforces some of the key characteristics that positively contribute to the character and appearance of the CA.
7. The proposal is to replace the existing garage and log store with a part single storey, part 2-storey building to provide a garage at the ground floor and a golf room in the first-floor element. According to the Council the new addition would occupy the same footprint as a garage and golf room that was recently approved on the site, which the Officer's report describes as single storey. It would, however, be taller and larger than its approved counterpart. From the information provided, I consider that the approved scheme is a realistic fallback position against which to assess the proposal.
8. The submitted design reflects the general style of the main house and appropriate external materials are proposed. The new ridge line would also be set below that of the projecting gable of the house nearest to the site, which would be evident in views from the driveway. However, the proposal would still be a sizeable addition and substantial in built form. That the north-facing elevation would include a sizeable projecting gable with full length first floor windows would also clearly signal a 2-storey building, the effect of which would be to visually accentuate its perceived scale, mass and height.
9. When seen from the driveway and garden of the White House, the new building would draw the eye given its considerable size and height. It would appear noticeably taller and larger than an ancillary building typically found within residential gardens that often have modest proportions and an unassuming presence. The garage and log store to be replaced are one such example.
10. The overall visual effect would also appear ambiguous because the 2-storey gable and large upper windows would introduce domestic features that are more akin to a dwelling and uncharacteristic of an ancillary building. As a result, the new building would have an uncertain appearance and its function would not be visually obvious, notwithstanding the presence of garage doors at the ground floor. The relationship with the main house would also be disrupted because the new building would not visually 'read' as clearly subordinate to it.
11. For these reasons, the proposal would represent an incongruous addition and at odds with the character of the dwelling resulting in significant harm to the character and appearance of the CA. It would fail to comply with Design Code C1 of the Ruddington Design Guide (Part 2), which states that garages should remain ancillary to the host building and complementary in scale.
12. The foliage of trees, a boundary wall and existing buildings would largely screen views of the proposal from public vantage points although the upper section might be glimpsed from Vicarage Lane and the upper windows of some buildings along this highway. However, the requirement for development to preserve or enhance the character or appearance of the CA applies whether or not the proposal is prominent or available to public view.
13. My attention has been drawn to several examples of developments in the CA that the appellants say have been approved by the Council in the light of the

same or similar policies to those that apply to the appeal scheme. Background details and photographs have been provided for a new house on Church St, an apartment block at Manor Park and new dwellings at Kempson Court, all of which I have carefully considered. There are, it seems to me, significant differences in terms of location, proposals and characteristics between the sites quoted by the appellants such that few direct parallels can be drawn with the appeal scheme, notwithstanding their similar policy context. Given those differences, I am unable to agree that the Council has been inconsistent in deciding to approve some developments elsewhere and not in this instance because the circumstances are not similar to those of the proposal. In any event, each proposal should be assessed on its own merits, as I have done.

14. Having spent some time looking around the CA, I agree that there are several cases where development has taken place involving schemes that are larger, more prominent from the road and closer to listed buildings than the appeal scheme. To my mind, these schemes serve to illustrate that introducing new built form can have a significant impact on the visual qualities and character of the area to which it belongs. None would justify the development sought.
15. The harm caused by the proposal on the significance of CA as a heritage asset would be less than substantial. In those circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits. No public benefits have been put forward and I find that none would outweigh the significant harm that I have identified.
16. On the main issue, I therefore conclude that the proposed development would adversely affect and thus fail to preserve or enhance the character and appearance of the CA. Accordingly, it is contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy; Policies 1 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies; and Policy 10 of the Ruddington Neighbourhood Plan. Together, these policies broadly aim to ensure that development conserves or enhances heritage assets and is sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
17. There would also be a conflict with the Framework with regard to the protection of heritage assets and with the statutory duty. This duty requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA.

Other matters

18. The occupiers of 10 Vicarage Lane raise no objection, which is specifically referred to in the Officer's report. I, too, find that the proposal would not harm the living conditions of the occupiers of this adjacent property. This finding does not outweigh the identified harm.
19. The appellants sought pre-application advice, which is documented in the evidence. An earlier iteration of the proposal was put forward at that stage, which the Council found to be acceptable in terms of its effect on the CA. Changes were made to the proposal in the light of the Council's feedback on other matters.
20. The Framework emphasises the benefits of early engagement and of good quality pre-application discussion, as does the Planning Practice Guidance. Whilst the advice provided is not binding it is clearly unfortunate if a proposal is

then progressed on the understanding that a particular issue has been resolved only for it then to be raised as an objection.

21. However, the Council's finding in relation to the CA appears to have been based on drawing number Ref SK08, which shows an earlier version of the new building that differs in scale and design to the proposal before me. It is narrower and smaller than the appeal scheme and has a dormer set into the eaves above two garage doors. Consequently, I am not persuaded that the Council was necessarily bound by its earlier pre-application advice in relation to the effect on the CA because the 2 versions of the scheme are different.
22. At appeal, the proposal is considered afresh. Having had regard to all of the submitted evidence including the Council's feedback before and during the application process, I find the proposal objectionable for the reasons given.

Conclusion

23. The proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR