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## Appeal Decision

Site visits made on 10 January and 21 February 2022<sup>1</sup>

**by David M H Rose BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 February 2022**

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**Appeal Reference: APP/Y2430/W/21/3279764**

**Land at 2 Vaughan Avenue, Bottesford, Nottingham, NG13 0EF**

- 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 M Pate against the decision of Melton Borough Council.
  - The application Reference 20/00466/FULHH, dated 23 April 2020, was refused by notice dated 7 May 2021.
  - The development proposed is described as 'Retrospective application to regularise amendments to approved plans relating to planning approval 18/01088/FUL'<sup>2</sup>.
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### Decision

1. The appeal is allowed, and planning permission is granted for 'Retrospective application to regularise amendments to approved plans relating to planning approval 18/01088/FUL' at Land at 2 Vaughan Avenue, Bottesford, Nottingham, NG13 0EF in accordance with the terms of the application, Reference 20/00466/FULHH, dated 23 April 2020, and the plans numbered HN/095/101B, HN/095/102B and HN/095/103B and subject to the following condition:
  - 1) Notwithstanding the provisions of Schedule 2, Part 1, Class A and Class B, of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no development involving the enlargement, improvement or other alteration of the dwellinghouse (Class A) and/or the enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B) shall be undertaken without the prior written approval of the Local Planning Authority.

### Application for costs

2. An application for costs was made by Mr M Pate against Melton Borough Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area having particular regard to spatial layout, car parking and the wider street scene.

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<sup>1</sup> The second site visit was made to a neighbouring property, 71 Grantham Road, at the request of the owners

<sup>2</sup> The application was originally described as 'Proposed Porch'. The description was amended by the Local Planning Authority – the appellant raises no objections

## Reasons

4. The proposal seeks to retain a bungalow which has been built in a different manner to that previously approved. The details of the approved scheme are a material consideration in assessing the amendments that have occurred.
5. Looking first at the character of the area, Vaughan Avenue consists of a series of modestly sized bungalows, mostly gable to the road on narrow plots, with a single width drive to one side and a token access strip along the other boundary. The gaps create a notion of spaciousness and generous separation between individual dwellings.
6. By contrast, the originally approved scheme for the appeal plot aligned the dwelling parallel to the highway. This reflected the availability of a wider plot and the configuration of 2 Vaughan Avenue. In addition, the dwelling and its attached garage would have occupied more or less the full width of the plot with limited separation from each of its side boundaries.
7. The bungalow as now constructed has a marginally greater bulk than the approved scheme. This arises from its amended footprint and the construction of, what was, the proposed garage to align with the front and rear walls of the bungalow under an extended common ridge-line. However, in my opinion, these changes are not so substantial as to have had a marked impact on the relationship with adjacent properties or the street scene in general.
8. Similarly, the reduction in width of the pedestrian access between the dwelling and its neighbour, 2 Vaughan Avenue, is largely imperceptible in visual terms but potentially more critical in providing access to the rear of the property. Nonetheless, the Officer Report indicates that there is 700mm clear separation, taking account of service pipes, which would allow the passage of a standard wheelie bin (600mm). Although I note the comments about constrained access for wheelchairs, my attention has not been drawn to any specific accessible design requirements.
9. In terms of the car parking arrangements, the layout provides greater prominence to parked vehicles in that there would be scope to park two vehicles in front of the dwelling rather than one. Although the Council raises no technical deficiency, other than that each of the spaces would be 0.1m narrower than the required standard, it is suggested that any higher requirement for future occupants, or accommodation of visitors, would necessarily be on-street which would further exacerbate concerns about the prominence of parked vehicles.
10. Whilst accepting that two vehicles parked in front of the dwelling would be more evident than the one provided for under the approved scheme, the remainder of the Council's assessment is somewhat fallacious. In this regard, the proposals as approved, and now proposed, relate to a bungalow with two bedrooms. Occupancy and propensity to car ownership are unlikely to differ.
11. Moreover, tandem parking as approved, where the household has access to more than one vehicle, has a tendency to inconvenience when one vehicle obstructs access to the other. As a result, occupants and visitors may choose to park on-street out of preference. It should also be noted that the additional width of the dedicated driveway provides less scope for on-street parking across the road frontage.

12. As to appearance, I acknowledge that the chosen material, covering a good half of the width of the plot, is stark and uninviting compared to the predominance of retained gardens and more varied hard landscaping where it occurs.
13. Nonetheless, the approved scheme included a driveway to serve the garage and also a path to the front door. In essence, the additional area of hardstanding amounts to a wider driveway and the addition of a single car parking space. That said, the hard surfacing would have consisted of herringbone block paving to the drive and, indicatively, paving slabs to the front door. By comparison the use of tarmacadam is undoubtedly bleak.
14. In terms of soft landscaping, although the submitted plans showed, schematically, some low level planting and two grassed areas, there was no requirement to submit a detailed landscaping scheme or to provide or retain the indicative planting. Similarly, there was nothing that would have prevented the grassed areas being laid with artificial turf.
15. On this basis, there was never any expectation that the original scheme would have replicated, in the words of the Council, '*..... the predominant character presented to the street is of mature gardens often containing trees and other greenery and delineated by mature hedges .....'*. In any event, a number of owners have remodelled their front gardens utilising a variety of hard surfaces and the treatment of the appeal site, including its boundary wall, has much in common with its neighbour 2 Vaughan Avenue.
16. In summary, I consider that the design, siting and spatial arrangement of the proposed bungalow would not be materially different to that approved. The principle of parking an additional vehicle on the frontage is not unduly harmful. Whilst the manner in which it has been carried out compares less favourably to that previously proposed, it cannot be said that it is so out of character with its surroundings that it should lead to the refusal of planning permission.
17. Turning to the development plan, Policy D1 of the Melton Borough Local Plan requires high quality design and assessment against local character and the wider context of the area; appropriate provision for collection and storage of facilities for recyclable and other waste; and adequate provision for car parking.
18. Policy 8 of the made Bottesford Neighbourhood Plan, reinforced by the Parish Design Code 2020, also seeks high quality design that will contribute positively to the character of the Parish. Key elements include response to local character; sensitive positioning within plots; and safe access, parking and servicing arrangements (including bin storage).
19. The National Planning Policy Framework and its emphasis on good design is also a material consideration.
20. Drawing all these threads together, I consider that the proposal would not have a materially adverse impact on the character and appearance of the area having particular regard to spatial layout, car parking and the wider street scene. It would therefore be in accordance with the development plan.

21. Turning to the representations made by the occupants of 71 Grantham Road, I viewed the new bungalow from facing main room windows (a secondary side facing window to the ground floor living area and the window serving a first floor bedroom). With this in mind, and having regard to the original approved plans, I consider that the marginal increase in footprint and bulk, and nearer proximity, will not have resulted in any material loss of light to the relevant rooms.
22. In terms of the concerns about loss of privacy, it is evident that there would have been intervisibility between the two windows referred to above and those in the original scheme. In particular, views downward into the bungalow would always have been available, with more limited visibility in the opposite direction.
23. The revisions have seen the introduction of a glazed door, serving a utility room, in direct line of sight; 'French windows' with full height side glazed panels have given way to a kitchen window; and, more obliquely, a bedroom window has been replaced by 'French windows' to the main living area. In totality, and having regard to the transient nature of any outlook from the utility room door, I consider that the occupants of no. 71 will not have experienced any additional material loss of privacy.
24. I also consider that the amendments have not resulted in over development of the plot. Finally, the manner in which the changes have materialised do not establish any form of precedent as each proposal falls to be considered on its own site specific circumstances. There are no other matters of overriding relevance.
25. Against this background, and having considered all other representations made at both application and appeal stages, I shall allow the appeal.
26. In terms of conditions, there is no need to require the development to remain in accordance with the submitted details as this would be unduly onerous. However, the original permission was subject to a condition withdrawing permitted development rights relating to the enlargement or extension of the dwelling, including any additions or alterations to the roof, which I shall repeat by specific reference to the relevant Classes of development, to safeguard neighbouring amenities. I am satisfied that this is justified by reference to paragraph 54 of the National Planning Policy Framework in view of the size of the plot and the relationship of the bungalow with adjacent dwellings.

*David MH Rose*

Inspector