



Appeal Decision

Site visit made on 8 February 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/B3030/W/21/3281434

McColls, Mansfield Road, Blidworth NG21 0RB

- 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 Kanagaratnam Paramanathan against the decision of Newark & Sherwood District Council.
 - The application Ref 21/00263/FUL, dated 3 February 2021, was refused by notice dated 31 March 2021.
 - The development proposed is two storey dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Kanagaratnam Paramanathan against Newark & Sherwood District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:-
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on off-street parking.
 - The effect of the development on trees.

Reasons

Character and appearance

4. The appeal site is located on land to the rear of the retail premises and is accessed from New Lane. The central section is hard surfaced and used for car parking, the remainder of the site is covered by vegetation and trees, some of which are protected under a Tree Preservation Order.
5. I find that the proposed dwelling would be at odds with the character and appearance of the area. The long, narrow design of the dwelling, and the proximity to New Lane would be an incongruous addition and look out of place when seen in the context of the locality where the nature of such development is not part of the locality and would significantly reduce the qualities of the area and have a harmful effect upon its character and appearance.

6. In light of the above, I am of the view that amount of built form and site coverage would be out of keeping with the prevailing pattern of development in the locality. A dwelling in this location would erode the “feel” to this immediate locality. This would be apparent when viewed from the public highway. As a result, I find that the proposal would be harmful to the character and appearance of the area.
7. I find that the proposal would not reflect this pattern of development in the context of which it would be predominantly viewed. The proposed dwelling would project forward of the line of development on New Lane, resulting in a prominent construction with limited visual relief on New Lane. The proposed dwelling’s dimensions would not be typical of that immediate area.
8. The impact of the appeal proposal would result in harm to the character and appearance of the area. The harm would be by virtue of the projection forward of the buildings on New Lane and the size and dimensions of the proposed dwelling. These aspects of the proposal would emphasise the incongruous appearance of the proposal within its immediate visual context, unbalancing the rhythm of the New Lane street form and would be harmful to its established character and appearance, in turn creating an unwelcome precedent to the rear of the Mansfield Road properties. The proposal would therefore not reflect the characteristic form and spacing of buildings in the immediate locality.
9. As a result, I find the proposal would be in conflict with Policy CP9 of the Amended Core Strategy (the ACS) and policy DM5 of the Allocations and Development Management Development Plan Document (the DMDPD) which, amongst other matters state that development should not have a detrimental impact on the character of the location and should reflect local distinctiveness, as well as achieving a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments.

Off-street parking

10. The appellant notes that the existing appeal site is private property and should not be taken into consideration, but evidence has shown that vehicles have utilised the land for staff and visitor parking for a considerable period of time, but at my site visit I was unable to see any notifications that the site was private property to attempt to dissuade people from parking there.
11. However, there are parking areas in front of the parade of shops and other on-street parking available in the locality. I am not convinced that the proposal would lead to parking problems in the vicinity, even with the recent new Traffic Regulation Order in place. The size and availability of the current parking area on site does not lend itself to significant levels of parking that could not be accommodated elsewhere.
12. With regard to this issue, I find no conflict with DMDPD Policy DM5 insofar as it relates to parking. CS Core Policy 9 does not relate to parking and is not relevant in this instance.

Trees

13. There are sycamore trees located in the site together with a single silver birch tree located in the corner of the appeal site. In warmer times of the year, the area would have a green and leafy appearance to it, and these trees would contribute in a positive manner to the character and appearance of the locality.
14. I find the assessment submitted with the appeal to be somewhat imprecise in its report on the trees and subsequent recommendations and lacking in specific details, especially on the crucial issue of the roots of the protected trees.
15. Without full and comprehensive reporting, I cannot be convinced of the impact on the trees, and this also calls into question the ecological implications of the proposal.
16. Concluding on this issue, based on the evidence supplied, I find that it has not been adequately demonstrated that the proposal would lead to no harm arising to trees and thus to biodiversity on site. Therefore, it fails to comply with CS Policy 12 and policies DM5 and DM7 of the DMDPD in their combined objectives to conserve and enhance biodiversity and green infrastructure and incorporate trees into development.

Conclusion

17. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR