
Appeal Decision

Site visit made on 25 February 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH March 2022

Appeal Ref: APP/P3040/W/21/3280923

21 Kendal Court, Radcliffe Road, West Bridgford, NOTTINGHAM, NG2 5HE

- 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 Kendal Court Eco Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref 20/03285/FUL, dated 23 December 2020, was refused by notice dated 14 April 2021.
 - The development proposed is described as the proposed demolition of a bungalow and the erection of 7 dwellings with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed development on:
 - The character and appearance of the area around Kendal Court and the nearby Grantham Canal and tow-path,
 - The living conditions of future occupiers of the proposed houses by way of amenity space, and
 - The living conditions of the occupiers of Nos 9 – 12 Kendal Court by way of outlook.

Reasons

3. The appeal site is a long, triangular piece of land situated immediately to the south of the Grantham Canal and adjacent to the canal tow-path. The site currently contains a bungalow (No 21) with a detached garage on its western side and a garden area on its eastern side. Kendal Court is a cul-de-sac, which includes a number of two-storey residential properties, each split into 4 maisonette flats, with associated garage blocks and dedicated parking areas. The proposed development would involve the demolition of the bungalow and garage and the construction of 7 small two-storey houses, in two blocks of terraces, along with the creation of parking areas for cars and bicycles and a bin storage area.
4. Policy 10 of the Council's Local Plan Part 1: Core Strategy (CS) indicates that all new development should be designed to make a positive contribution to the public realm and sense of place; reinforce valued local characteristics; and

reflect the need to reduce the dominance of motor vehicles. It also indicates that development will be assessed in terms of its treatment of a number of elements, including structure, texture and grain; impact on the amenity of occupiers or nearby residents; density and mix; and massing and scale.

5. Policy 1 of the Council's Local Plan Part 2: Land and Planning Policies (LPP) indicates that planning permission for new development will be granted provided that certain criteria are met. These include that there is no significant adverse effect upon residential amenities of the area; that sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space; that the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area; that it should not lead to an over intensive form of development or be overbearing in relation to neighbouring properties; and that there is no significant adverse effects on important wildlife interests and, where possible, it demonstrates net gains in biodiversity.
6. Policy 38 of the LPP indicates that outside of Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
7. The Council's Residential Design Guide: Layout, Form and Space (RDG) indicates that there should be rear gardens with a depth of 10m to the boundary and garden sizes of 55sq m for 1 and 2 bed properties. In line with current government guidance, developers should aim to meet the above guidelines whilst providing a variety of sizes. Where these guidelines are not met, developers will be required to demonstrate why smaller gardens are acceptable. Gardens smaller than the footprint of the dwelling excluding the garage are unlikely to be acceptable, while larger sizes will be necessary where gardens are narrow or irregular in shape. The RDG notes that meeting certain criteria will help in demonstrating why smaller gardens should be allowed.
8. The Council contends that, due to the proposed scale, density, appearance and siting of the development, the proposal would not be in keeping or sympathetic to the pattern of surrounding development and the character and appearance of the area, and would have a significant oppressive and overbearing impact upon both the Kendal Court street scene and the environment experienced along the Grantham Canal towpath. In addition, the development as proposed, due to its height and position within the site, would cause significant detriment to the outlook of the occupiers of neighbouring dwellings at 9 - 12 Kendal Court, which would severely harm their amenity. Finally, the density and scale of development proposed would lead to a poor level of amenity for future occupiers, by way of a lack of adequate private amenity space, inadequate levels of parking for future occupants, and potentially impacting on existing levels of valuable parking provision for existing residents.
9. The appellants contend that the proposed development has been designed to minimise the height and apparent massing of the properties on the site. Moreover, the design and context of the proposal, along with boundary planting, would mean that there would be no significant visual impact when viewed from the canal tow-path. The appellants note that the height of the

proposed dwellings and distance from the nearest flats opposite to the appeal site would ensure that there would be no adverse impact on the residential amenities of the occupiers of those flats. Finally, it is contended that, although all but one of the dwellings would lack external amenity space, there would be views over the canal provided from the proposed Juliet balconies and easy access to other open space and open countryside.

Character and appearance

10. Kendal Court is situated at the eastern edge of the settlement of West Bridgford, with generally open countryside to the east and north-east. It is a short cul-de-sac containing a single bungalow and 6 blocks of two-storey maisonettes, each containing 4 apartments. The bungalow, with its associated garage and garden, forms the current appeal site. The site is bounded to the south by the roadway of Kendal Court, to the north by the Grantham Canal, and to the west by a parking area associated with the maisonette blocks.
11. Residential roads in the surrounding area, on both sides of the canal, are typified by largely detached and semi-detached houses with moderate- to large-sized gardens. Those houses on Rutland Road, across the canal from the appeal site, have long rear gardens that back onto the canal, creating a generally open feel to the area around the canal. The maisonettes on Kendal Court have small areas of external amenity space associated with them.
12. To the west of Kendal Court there are just two dwellings between Radcliffe Road and the canal, The Elms and The Canal House, which have significant space between and around them. Beyond these, further west, Radcliffe Road runs close to the line of the canal with no development between the two. Beyond Kendal Court to the east, the canal runs through land undeveloped on both sides. The character of the surrounding area, including the canal corridor, is therefore one of general spaciousness.
13. The proposed development on the appeal site would replace the bungalow and its garden with 7 two-storey houses in two groups of terraces, one with 4 dwellings at the western end, and one with 3 dwellings at the eastern end. There would be a small gap between the two terraces that would be occupied by cycle racks and a bin store. The easternmost dwelling would have a small narrow garden extending to the end of the site. The eastern group of dwellings would be built close to the front boundary of the site, while the western group would be built behind a line of car and cycle parking spaces. The dwellings would have a slightly staggered building line and there would be little or no gap between the parking spaces and front elevations of the westernmost 4 houses. All of the houses would be between only 1 and 2 metres from the boundary with the canal.
14. I note the point made by the appellants that the houses have been designed with gable front and rear elevations to mirror the design of buildings often associated with canal-side locations. However, in this case, there are no other such buildings anywhere along this stretch of the canal, and the terraces would appear as alien and incongruous in the general context of the canal and its surrounding uses. The appellants also contend that the present view from the tow-path at this position is of the maisonettes on Kendal Court, which, although set back from the canal, cannot be described as attractive. I acknowledge that the proposed planting along the boundary with the canal would largely screen the existing buildings on Kendal Court, but the dwellings

proposed for the appeal site would be sited within 1-2 metres from the tow-path, and would remain highly prominent in the view along and from the tow-path. Their scale and massing would be an uncharacteristic feature in this location.

15. In conclusion on this point, therefore, I find that the proposal would appear as a cramped, uncharacteristic development in the context of the wider suburban area, and especially in the context of the canal corridor. There would be little or no effective amenity space associated with each dwelling, and the long, largely unrelieved rear elevations of the terraces would appear incongruous and somewhat oppressive in the canalside scene, especially given their proximity to the tow-path itself.

Living conditions of future occupiers of the proposed houses

16. On the submitted plans, the proposed dwellings are described as two-bed mews houses, having a Gross internal Area (GIA) of around 66m². However, I note that the requirements of the Government's Technical housing standards: nationally described space standard (THS) indicates that a dwelling with two or more bedspaces should have at least one double (or twin) bedroom. In this case, both bedrooms fall well below the minimum floor area for a double (or twin) bedroom of 11.5m². Given that the GIA requirements in the THS (including built-in storage) for a two-storey house range from 59.5m² for a 1-bed/2-person home to 72m² for a 2-bed/3 person home, the overall size of these 2-bedroom/2 person dwellings may arguably be deemed inadequate. Overall, therefore, I have concerns regarding the adequacy of the space that would be available to future occupants of the dwellings, particularly given the lack of any effective external amenity space.
17. Externally, the houses have no effective private amenity space or communal space. The rear elevations of the houses are very close to the boundary with the tow-path. The appellants propose to plant a substantial hedge, 2 metres high, along this boundary, for both screening and biodiversity purposes. This would presumably occupy a significant amount of any remaining space at the rear of the properties. I note that the existing building and garden area of the bungalow lies a little below the level of the tow-path, such that the positioning of the hedge will also have an effect. It is difficult to ascertain exactly where the site boundary lies, but if the hedge were at tow-path level, it would have a significant adverse impact on views from the ground-floor windows of the houses, while if it were at existing plot level, it would likely occupy even more ground area and would fail to provide effective screening for the occupants.
18. To the road frontage, all of the 9 parking spaces are concentrated in front of the 4 westernmost dwellings. Since these spaces serve the whole development, the effect would be to have a general car-parking area almost immediately outside of the front bedroom windows – and in the case of one of the houses, the parking spaces would be right up to the front elevation itself. I consider that this would merely emphasise the cramped nature of the development, as well having potentially adverse effects on privacy and noise.
19. The appellants contend that the development is in close proximity to public open space or accessible countryside, and that there are views out from the rear windows of the houses. On this basis, they argue that the normal garden size requirements, in this case of around 55m², should not apply. However, the RDG indicates that such considerations are intended to be a potential

justification for a smaller garden. In this case, there would effectively be no garden at all for 6 of the 7 houses. This adds to my overall concerns about the cramped nature of the development and its inability to provide satisfactory living conditions for the future occupiers by way of amenity space.

Living conditions of the occupiers of Nos 9-12 Kendal Court

20. Nos 9-12 Kendal Court face directly opposite the appeal site and include large living room windows to the front of the properties, as well as some front balconies. The current scheme is an amended version of a scheme that was refused planning permission and dismissed on appeal in 2018. In the appeal decision, the inspector concluded that the prevailing matter was the impact of the proposed development on the outlook of 9-12 Kendal Court, to which there would be significant harm. This conclusion was reached on the basis that there would be an overbearing relationship between the proposed development and Nos 9-12, which would be generated as a consequence of the height, scale and continuous massing of the development in close proximity to its neighbours.
21. The current scheme apparently increases the gap between the frontages of the proposed dwellings and the frontage of Nos 9-12, while the height of the dwellings would be significantly lower than that of the earlier scheme. There would, however, continue to be a continuous massing formed by the unbroken façade of the westernmost 4 dwellings directly in front of Nos 9-12. On this basis, whilst I accept that the current scheme overcomes most of the concerns raised by the earlier inspector, there would still be some harm to the living conditions of the occupiers of Nos 9-12 by way of outlook, albeit relatively slight.

Other Matters

22. The Environmental Sustainability Report produced in response to consultation on this scheme notes that the site is adjacent to Grantham Canal LWS; that hedgerow priority habitats were identified on site; and that the development provides opportunities for ecological enhancement. In particular recommendations were made including that the boundary with the Grantham Canal LWS should be strengthened with a native vegetation buffer; that a demonstrated biodiversity net gain should be provided; and that any boundary habitats should be retained and enhanced.
23. I acknowledge that a 2 metre high hedge is proposed along the canalside boundary as part of the scheme. This would strengthen the existing vegetation buffer. I also accept that details of that planting scheme could be controlled by condition. However, given the minimal nature of the space between the dwellings and the canalside boundary, I have concerns as to whether any boundary planting could effectively be much more than just a visual element. To be part of an effective wildlife corridor, the hedge alone would need to be at least 1 metre wide. Moreover, from the limited information available, I have further concerns that the density of development proposed, with virtually all of the site covered with buildings, hardstandings and other structures, could preclude achievement of a biodiversity net gain as compared with the current more open nature of the site.
24. In view of the lack of detail on this issue, I cannot conclude on the matter, but the lack of available space, coupled with the nature and type of development proposed, raises potential concerns relating to its environmental sustainability.

Conclusion

25. In conclusion, I find that the proposed development, by reason of its density, massing and scale, would not be sympathetic to the character and appearance of the neighbouring buildings, the Grantham Canalside environment, and the surrounding area. Furthermore, while there would be no significant adverse effect upon wider residential amenities of the area, I consider that there would not be sufficient space provided within the site to accommodate the proposal together with ancillary amenity and circulation space. With regard to the residential amenities of future occupiers, I find that the internal space would be cramped and somewhat unsatisfactory, whilst there would be a significant shortfall in external amenity space provided. Finally, the density and nature of the development could potentially preclude net gains in biodiversity.
26. In the light of the above, I find that the proposal would be harmful to the character and appearance of the area around Kendal Court and the nearby Grantham Canal and tow-path; that it would be harmful to the living conditions of future occupiers of the development by way of amenity space; and that it would result in harm, albeit slight, to the living conditions of the occupiers of Nos 9-12 Kendal Court by way of outlook. On this basis, it would conflict with Policy 10 of the CS and Policies 1 and 38 of the LPP and, accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR