
Appeal Decision

Site visit made on 22 February 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2022

Appeal Ref: APP/N3020/W/21/3281682
19 Ashe Close, Arnold NG5 7LU

- 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 Adam Farnsworth against the decision of Gedling Borough Council.
 - The application Ref 2021/0542, dated 29 April 2021, was refused by notice dated 2 August 2021.
 - The development proposed is erect detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises a roughly triangular parcel of grassed open space located to the rear of several properties that front Ashe Close, Darlton Drive and Langford Road. A public footpath run past the site and connect these 3 streets. The proposal seeks to erect a detached dwelling on this open space with access taken through the garden of 19 Ashe Close.
4. There are a mix of house types in the area, although generally speaking these comprise two-storey semi-detached and detached properties. The established pattern of development in the area involves houses fronting the various street roads in a linear fashion with a generally consistent set-back and rear garden size. The open space subject to the appeal makes a positive contribution to the character of the area by maintaining a sense of openness in an otherwise densely populated area.
5. The proposed dwelling would be located in a backland location which would not front any of the streets, while the majority of its garden area would be located to the side. This would be contrary to the prevailing pattern of development locally. This harm would be compounded by the loss of the open space, which serves to offset some of the density of built form in the area.
6. Based on the above, the proposal would cause harm to the character and appearance of the area. Despite adhering to some aspects of other policies, the

proposal would be contrary to Policies 35 and 40 of the Gedling Borough Local Planning Document (adopted July 2018) and Policies 2, 8 and 10 of the Greater Nottingham Aligned Core Strategies Part One (adopted September 2014). These seek, among other things, to ensure development would not result in the loss of features including open space which make an important contribution to the appearance of the area. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) which seeks development which will function well and add to the overall quality of the area.

Planning Balance

7. The appellant takes me to paragraph 11(d) and footnote 8 of the Framework as it is claimed the Council cannot demonstrate a five-year supply of deliverable housing sites. The 2020 Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75% of) their housing requirement over the previous three years.
8. However, the Council has countered and drawn my attention to the more recent 2021 HDT (published January 2022), which indicates the Council has delivered 85% of the total number of houses required, and to the 'Five Year Housing Land Supply Assessment 2021' (Published December 2021) which demonstrates a 6.32 year supply of housing land. I note the appellant has not responded to these figures and I have no reason to doubt them. In any event, even if the application of paragraph 11(d) of the Framework were necessary, consideration must still be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
9. I have identified harm to the character and appearance of the area which carries significant weight against the proposal. Set against this harm, the socio-economic benefits associated with one dwelling would be limited, taking account of the objective of boosting significantly the supply of housing in the Framework and given the Council's housing land supply position.
10. I am informed of a dwelling at 6 Gedling Road which was refused planning permission¹ but allowed on appeal² in a backland location. However, from the evidence before me it appears that the site in that case was a large rear garden of a dwelling rather than public open space. As such it was not as prominent in the area given the footpaths which pass the appeal site before me. Moreover, the Inspector in that case deemed that site made a neutral contribution to the character and appearance of the area while also identifying a 'discordant' rhythm in the street scene, including a mix of uses and variations in siting of buildings among other things. In this case I have determined the open space makes a positive contribution to the area and there is an established pattern of development. In any event, I must assess the proposal on its own merits and this matter is of little weight in the planning balance.
11. I understand the appeal site has previously been granted outline planning permission³ for one dwelling and full planning permission⁴ for two dwellings subject to conditions. While I have plans for the latter before me, I have little information on the outline permission. In any event, both of these permissions

¹ 2020/0863

² APP/N3020/W/3263321

³ 2005/0361

⁴ 2009/0418

significantly predate the existing development plan for the area and the first iteration of the Framework. As such, I attribute little weight to these matters.

12. I acknowledge the support of a local resident and the point made by the appellant regarding anti-social behaviour and littering at the open space. While unfortunate, this does not justify allowing the harm I have identified. Moreover, I do not consider the open space to be underutilised given its inherent value is in its lack of built form. The willingness of the Council to sell the land does not necessarily make it suitable for housing.
13. I understand there are no concerns raised regarding amenity to occupiers of nearby dwellings or to highway safety. The appeal site would be located in a suburb of a large city and is therefore considered a suitable location with regards to accessibility to services and facilities. These matters are not disputed by the Council. However, a lack of harm is neutral in the planning balance rather than weighing in favour.
14. Therefore, taking into account all these matters, the adverse impacts of the development would significantly outweigh the benefits when assessed against the policies of the development plan and the overarching aims of the Framework.

Conclusion

15. The proposal would harm the character and appearance of the area. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR