



Appeal Decision

Site visit made on 7 February 2022

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2022

Appeal Ref: APP/W3005/C/21/3284852

Portland Road Family Dental Centre, Dental Surgery, 7 Portland Road, Hucknall, Nottinghamshire NG15 7SL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Mohammed Qusim Shiekh against an enforcement notice issued by Ashfield District Council.
 - The notice was issued on 17 September 2021.
 - The breach of planning control as alleged in the notice is: *Without the benefit of planning permission, the erection of a two and three storey extension at 7 Portland Road, Hucknall, Nottinghamshire NG15 7SL. The location of the extension is edged in green with green hatching on the attached plan reference ADC2.*
 - The requirements of the notice are to: 1) *Demolish and remove all parts of the two and three storey extension (the location of which is shown edged and hatched green on the attached plan reference ADC2) from the land, and 2) Remove all resultant debris and materials arising from compliance with paragraph 5 part 1 from the land and reinstate the land to its former form and appearance.*
 - The period for compliance with the requirements is: *3 (three) months.*
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. . Planning permission was refused by notice dated 26 July 2021 (V/2021/0462) for a two and three storey extension to the dental surgery. This application proposed a total of 14 surgery rooms.
3. The appellant has referred to policies contained within the emerging Ashfield District Council Local Plan 2020-2032 to support their case. However, the plan is at an early stage of preparation and as such, I afford its policies limited weight in my decision.

The appeal on ground (a) and the deemed planning application

Main Issues

4. These are the effect of the development on: i.) the host building and the local area, particularly regarding the extent to which it would preserve or enhance the character or appearance of the Hucknall Conservation Area; and ii.) the living conditions of occupiers of neighbouring properties.

Reasons

Character and appearance

5. The site is located within the main urban area of Hucknall Town Centre, which was designated as a Conservation Area in March 2019. The Hucknall Conservation Area Designation Statement dated March 2019 (the CADS), characterises the town as having developed from a linear medieval village with regular plots extending east and west from the Church and probable village green. The character of Conservation Area is largely derived from the 19th/early 20th century brick buildings under slate or plain clay tile roofs with stone, terracotta or decorative brick widely used to enliven building facades.
6. There are numerous non-designated heritage assets of local interest within the immediate vicinity of the appeal site. These were referenced by the council in its statement, and I viewed some during my visit to the site. They include buildings that reflect the main architectural style of the area, have a landmark quality, or are associated with a particular architect, event or person. The CADS provides that the council will seek the retention of these buildings or their sensitive alteration, where planning permission is required. The appeal building is considered as one of those to positively contribute to the character and appearance of the conservation area and is identified, along with others, on Map 2 within the CADS.
7. The building, a former dwelling and, like others highlighted by the CADS, dates from the latter part of the 19th/early part of the 20th century. It had previously been extended to the rear with a modest two-storey extension. This has been incorporated into the most recent development which is the subject of the notice.
8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The effect of the development on the setting and its contribution to the special interest and significance of the designated heritage asset is recognised within the National Planning Policy Framework (the Framework) and is given considerable importance. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced, the extent of which is not fixed and may change over time.
9. Although set back into the site, the development is visible from several vantage points within the public realm and from private residences which surround the building. This is particularly so for properties along Bolsover Street which look directly at the rear and flank of the building. The expanse of the flat roof extension with light coloured render and poorly proportioned windows draws attention towards the development which pays little respect to its host or

surroundings regarding design, scale, height or mass. It is not a subordinate addition to the host building in terms of its footprint, scale, height and massing, but rather a monolithic structure which consumes the building and diminishes its aesthetic quality, historic detail and interest. This is greatly emphasised where the development is set against a backdrop of buildings with traditional architectural interest, beyond the brick boundary wall.

10. The scale, design and materials of the modern addition jar with the immediate surroundings and this has a negative impact on the significance of the non-designated heritage assets. The development is neither sympathetic or proportionate and has an adverse visual impact upon the host property and wider area. This does not preserve or enhance the quality and distinctiveness of the locality, and this has a negative effect on the Conservation Area.
11. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Although I find the harm to be less than substantial in this instance, it is nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
12. The appellant has advised that there are several significant public benefits that would be provided by the extension to the dental surgery. These include a mentoring programme and the increase in capacity that would provide treatment for additional NHS patients, thereby benefiting the continual expanse of the local population, particularly as the dental centre is purportedly the only provider taking on new patients. Furthermore, the appellant suggests the increase in capacity would enable the surgery to catch-up following the damaging effects of the Covid-19 pandemic and would allow the practice to address current oral health deprivation in the area. Although these would clearly be public benefits, they do not outweigh the harm I have identified as set out above.
13. I therefore conclude that, on balance, the development fails to preserve or enhance the character or appearance of the Conservation Area. The development is also contrary to saved policies ST1 and EV10 of the Ashfield Local Plan Review (adopted November 2002) (the LP) which include the requirement for development to not adversely affect the character, quality, amenity or safety of the environment and for development to preserve or enhance the character or appearance of the area, or its setting. These policies, in relation to the design of new development, are broadly consistent with the Framework's quest for the creation of high quality, beautiful and sustainable buildings and places which make a positive contribution to local character and distinctiveness.

Living conditions

14. Residential properties immediately adjoin the site's north and east boundaries where their rear gardens/yards meet the brick wall which separates them from the car parking area for the dental surgery. There is approximately 20m between the rear elevation of the closest residential property No.5 Bolsover

Street (No.5), and the tallest section of the development. The extent of the built form is significant particularly the height where it adjoins the rear of the original building. In these circumstances, I have no doubt that the extension has an overbearing impact when viewed from No.5 and other neighbouring properties in the terrace, leading to an undesirable feeling of enclosure.

15. Furthermore, the large roof terrace allows for uninterrupted views into rear gardens and rear windows of the terraced properties and the building immediately to the west of the appeal building in which, during my visit, a dance class was taking place. Although the appellant says that the roof terrace is not for use by the dental staff and that the door from the staff room allows for maintenance access only, its use as a recreational area has been noted by nearby residents in their appeal submissions. Although I am not aware of its actual purpose, use of the roof terrace has the potential to result in a substantial loss of privacy to nearby residents and users of the nearby buildings.
16. Whilst such a use could be restricted by a planning condition, I consider that the extension as built has a negative effect upon the living conditions of the occupiers of neighbouring properties. Accordingly, the development is considered to conflict with saved Policy ST1 of the LP which states development will not be permitted where it adversely affects the amenity, character or quality of the environment. It is also in conflict with the Framework 2021 which aims to ensure development is of high quality and visually attractive as a result of good architecture and layout and sympathetic to local character and history.

Other Matters

17. Planning permission was previously granted in 2018 for a two-storey rear extension (ref. V/2018/0425) which would have provided 6 additional surgery rooms, giving a total of 13 surgeries, just one less than the current development. Whilst this was a substantial addition, it was significantly lower in height, less bulky and visually less intrusive than the appeal development before me. This consent, granted under a different policy context, has since expired.
18. The appellant has brought to my attention a planning permission which was granted at appeal in 2016 for a nursing home. This site is said to be three storeys high in some parts and in another part of the town. In the absence of further details, I am not able to make a comparison with the nursing home and the appeal before me. Nevertheless, each appeal should be determined on its own merits.
19. Some public support has been forthcoming for the appeal development, and I understand the importance of dental care provision. However, these do not outweigh the harm I have identified as detailed above.

Conclusion

20. Despite the age of the Local Plan, I consider that significant weight should be given to the degree to which the development conflicts with the LP policies leading to a conclusion that there is conflict with the development plan as a whole. There are no other material considerations that would indicate that the development should be determined other than in accordance with the development plan. For the reasons given above I conclude that the appeal

should be dismissed, and I shall refuse to grant planning permission on the deemed application.

S A Hanson

INSPECTOR