



Appeal Decision

Site visit made on 29 March 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/N3020/W/21/3289396

18 Ramblers Close, Colwick NG4 2DN

- 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 Eley against the decision of Gedling Borough Council.
 - The application Ref 2020/0835, dated 20 August 2020, was refused by notice dated 1 September 2021.
 - The development proposed is the erection of a new dwelling and detached garage within the curtilage of the host dwelling no.18 Ramblers Close.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling and detached garage within the curtilage of 18 Ramblers Close, Colwick NG4 2DN in accordance with the terms of the application, Ref 2020/0835, dated 20 August 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

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

Reasons

3. The appeal site forms the side garden to 18 Ramblers Close (No.18) which is situated at the far end of a cul-de-sac with its northern boundary adjacent to the Colwick Loop Road. In the immediate area No.18 forms part of an estate development where the buildings are of predominantly similar design and form.
4. The proposed dwelling would be located alongside No.18, approximately aligning with its frontage, reflecting the established building line. Given its location at the far end of the road and its position, I do not consider that the proposed property, taking account of its size, scale and siting, would appear unduly dominant within the plot, have a poor relationship with other nearby properties or have an adverse effect on the streetscene as a whole. I recognise also that there is a relatively new dwelling which has been constructed on the opposite side of the road (No.19) which projects further forward than the established building line in the immediate area and the proposed dwelling would be less conspicuous in this regard.
5. The proposed detached garage would be more prominent, sitting at the head of the cul-de-sac and visible from a considerable distance away on Ramblers Close but the garage of No.19 is already in a similar position and therefore a further garage alongside to my mind would not look out of place.

6. I recognise that the appeal site is a narrow plot, and the dwelling would be constructed close to its side boundaries, but the gap between the dwellings would be sufficient to allow pedestrian access to the garden on one side. From all I have seen and read, there are also other properties in the immediate area which are built very close to their side boundaries with similar narrow paths between properties. Therefore, the layout of the proposed plot would not be inconsistent with the prevailing development pattern and given the limited viewpoints from where the proposed dwelling would be seen from, I do not consider that it would represent an over-intensive development within its immediate surroundings.
7. I conclude that the development would not harm the character and appearance of the area. Accordingly, there would be no conflict with Policy 10 of the Greater Nottingham Aligned Core Strategies: Part 1 Local Plan (2014) and Policies LPD 34 and LPD 40 of the Gedling Borough Local Planning Document: Part 2 Local Plan (2018) which together seek to ensure that new development has regard to local context, and development of residential garden land should not result in harm to the character and appearance of the area. It would also comply with the design objectives of the Framework.

Other Matters

8. I have had significant regard to other matters raised by interested parties including potential concerns relating to parking. There are already a number of driveway accesses onto Ramblers Close and I do not consider that an additional access, albeit serving an additional two cars, would be unsafe. The plot would provide adequate parking for the size of the development proposed and the Highways Authority has not raised an objection. Conditions will secure the retention of the garages for non-habitable uses.
9. The appellant has stated that there are no tree preservation orders on the appeal site or adjacent to it, and this has not been disputed by the Council. Furthermore, the Council has found no undue impact on biodiversity and has not raised any potential for increased noise and pollution arising from the development. There is no substantive evidence before me to conclude otherwise.
10. The house would be far enough from other dwellings to avoid overlooking and loss of privacy. Concerns over possible encroachment of foundations onto adjoining land and potential damage to trees would be a private matter between the parties involved and even though the length of construction may be unpredictable, given the scale of the proposed development, any disturbance during construction would be for a temporary period only. I have had regard to these, and all other matters raised and none of these concerns outweigh or overcome my conclusion on the main issue.

Conditions

11. The Council has suggested a number of conditions against which the appellant has had the opportunity to comment. I have considered these against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some for consistency and clarity.
12. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of proper planning.

13. A condition requiring the development to be carried out in accordance with the Flood Risk Assessment is necessary in order to reduce risk of flooding to the proposed development and future occupants.
14. Conditions regarding materials, finished ground and floor levels and boundary treatments are necessary in the interests of protecting the character and appearance of the area and the amenity of occupiers of adjacent dwellings.
15. A condition regarding a Construction Emission Management Plan is necessary to ensure the development is undertaken in a manner which takes into consideration air quality within the Borough.
16. Conditions regarding details of surfacing, access to the highway and surface water drainage are necessary in the interests of highway safety.
17. A condition regarding an electric vehicle charging point is necessary in the interests of protecting air quality.
18. The Council has suggested restricting permitted development rights. The Framework says that planning conditions should not be used to restrict permitted development rights unless there is a clear justification to do so. I consider that the amenity space is sufficient to allow a small extension, if one was required, and there are no justifiable reasons to limit the improvements and alterations allowed by these classes. Accordingly, the suggested condition is unnecessary and unreasonable and would not therefore meet the tests for conditions set out in the Framework.

Conclusion

19. For the reasons given above, having considered the development plan as a whole and taking into account all other matters raised, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Location Plan and Block Plan, Proposed Plans (site plan, floorplans and elevations) Rev 07, all dated 12 May 2021.
- 3) The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (Julia Williams, Version 1.1, May 2021) and the following mitigation measures it details:
 - The ground floor of the building shall be used for non-habitable uses including car parking, storage and stairwell. Living accommodation shall be set at first floor level and above.
 - Flood resilience measures and a water entry strategy shall be used for the ground floor of the property as described on page 8 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 4) Before any above ground development is commenced there shall be submitted to and approved in writing by the Local Planning Authority precise details of the materials to be used in the external elevations of the proposed dwelling and garage. Once approved the development shall be constructed in accordance with these approved details.
- 5) Prior to the commencement of construction works, details of the existing and proposed ground levels of the site and finished floor levels of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 6) Prior to commencement of the development, a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP.
- 7) Before any works are commenced in respect to the surfacing of the unbuilt on portions of the site, precise details of proposed surfacing of the unbuilt on portions of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be undertaken in accordance with the approved details and shall be retained as such thereafter.

- 8) No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
- 9) No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.
- 10) No part of the development hereby permitted shall be brought into use until the access driveway and parking areas are constructed with provision to prevent the unregulated discharge of surface water from these areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 11) The dwelling shall not be occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the dwelling is first occupied and the approved means of enclosure retained thereafter for the life of the development.
- 12) Before the dwelling is first brought into use one or more dedicated vehicle parking spaces and/or a garage shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a safe overnight 'trickle' charge to an electric vehicle using a mode 2 charging cable. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within 3m easy access of the off-road parking areas. All EV charging points shall be clearly marked with their purpose and their purpose drawn to the attention of new residents in their new home welcome pack / travel planning advice. The charging point shall be maintained thereafter.

***** End of Conditions*****