

Appeal Decision

Site visit made on 26 April 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/J3015/W/21/3285647

129 - 131 High Road, Beeston NG9 2LL

- 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 Sandip Leihal (S & S Development Group Ltd) against the decision of Broxtowe Borough Council.
 - The application Ref 21/00092/FUL, dated 4 February 2021, was refused by notice dated 28 June 2021.
 - The development proposed is 'construct 4 storey building to contain 9 Houses of Multiple Occupation providing a total of 54 bedrooms. Change of use class from A1 to C4.'
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Sandip Leihal (S & S Development Group Ltd) against Broxtowe Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the proposal on:
 - The character and appearance of the area;
 - The living conditions of occupiers of neighbouring dwellings; and
 - On-street parking provision.

Reasons

Character and Appearance

4. The appeal site comprises a commercial premises located on the corner of High Road and Marlborough Road. The building is two-storey and adjoins several dwellings, as well as another commercial unit. I understand the premises is currently vacant but previously hosted a retail business.
5. The area contains a mix of uses, with buildings facing High Road generally comprising a commercial unit at ground floor level with the first floors including some residential properties which have retained a domestic appearance of facing brick or render. This is reflected in the appeal property. Marlborough Road is predominantly residential in nature and includes a mix of two-storey

detached and semi-detached dwellings set a consistent distance back from the road. Red brick is the dominant building material with some instances of render, while the facing roofscape of the street is largely undeveloped.

6. The proposal would introduce a building of substantial scale, which would be up to four storeys in height at the corner section and three storeys to either side facing the street scenes of Marlborough Road and High Road. This height would significantly exceed adjacent buildings and appear out of scale in the context of the surrounding area which has maintained a domestic sense of scale and character.
7. Although I did observe Broadgate House, which is three stories, this appeared visually separate from the main frontage of High Road and as such, was not viewed in this same context. The appeal proposal would therefore appear dominant and incongruent in the area due to its size. I am informed this would involve a 22% increase in volume. However, the removal of some structures to the rear which are at present not visible from most of the public realm would be replaced by the additional mass towards the front of the building.
8. This would be compounded by the prominent position of the appeal site on the junction of the two roads, which would exacerbate the scale of the four-storey corner section in particular. Although there have been efforts made to limit the impact of the height of the building on Marlborough Road with a mansard roof, this includes a number of protruding windows at a similar level to the roof of the adjoining property at No 2. This would add significant mass at third floor level and do little to integrate the structure alongside the roofs of adjacent buildings which are largely unaltered.
9. Moreover, the general arrangement of fenestration to both facing elevations onto Marlborough Road and High Road are more akin to the design of an office block, such as Broadgate House, as opposed to the domestic scale and character of existing commercial premises on High Road and dwellings on Marlborough Road. Although I understand some of the existing buildings to the rear would be removed, these were not visible from any of my vantage points on the site visit and as such their removal would not constitute a positive contribution to the character and appearance of the area.
10. My attention is drawn to examples of similar developments which have incorporated a mansard roof successfully. I have little information on these schemes, although from the photographs they appear to be set in different streetscapes than the proposal before me. In any event, they would have had their own site-specific circumstances which led to their approval and their existence in other areas does not convince me the proposal is acceptable and I have assessed this based on its own merits.
11. Taken together, there would be significant harm to the character and appearance of the area, contrary to Policy 10 of the Greater Nottingham Aligned Core Strategy Part 1 Local Plan (ACS) (adopted September 2014) and Policy 17 of the Broxtowe Borough Council Part 2 Local Plan (LP) (adopted October 2019). These seek to ensure, among other things, that development integrates into its surroundings and makes a positive contribution to the public realm and sense of place.

Living Conditions

12. The appeal site adjoins several dwellings, although there is little supporting information provided to substantiate the concerns of the Council in this regard. From my own observations and the evidence before me, these concerns appear to relate to a loss of outlook for residents of several properties.
13. At present, the plans indicated that a single-storey structure with a pitched roof extends to the rear of the appeal building along the entirety of the shared boundary with No 2 Marlborough Road. Although the proposal would add a second and third storey over the height of the existing structure in this position, this would not extend past the rear elevation of No 2 itself. There are no windows on the side elevation of No 2 facing the appeal property and as such, there would be no harm to outlook from within the building. Moreover, the removal of the building to the rear along the shared boundary would likely improve outlook from the rear garden. As such I am satisfied occupiers of these dwelling would not suffer a reduction in their living conditions regarding outlook.
14. No's 1 and 3 Cedar Avenue both share a rear boundary with the aforementioned single-storey structure which extends from the building fronting Marlborough Road. As I have detailed above, the removal of this structure would likely improve outlook for occupiers of these properties and the three-storey element would be set some distance from the rear gardens of these adjoining dwellings. As such, I am satisfied there would be no harm to outlook for occupiers of these properties.
15. The first floor of No 133 High Road includes a flat above the retail premises. Evidently, the small window which faces the appeal property serves a bathroom. However, given its position and the inset of the adjacent section of the proposal, the outlook from this window would not be affected, particularly given the room it serves and the expected level of privacy it provides.
16. I note the assessment of potential impacts to No's 1, 1A and 129 Marlborough Road as well as No's 156 and 158 High Road concludes that the proposal and its associated height increases would be some distance from these properties. This would therefore be unlikely to cause harm to the living conditions of occupiers of these properties.
17. Based on the foregoing, the proposal would not harm the living conditions of occupiers of neighbouring dwellings with regards to a loss of outlook in accordance with Policies 10 of the ACS and 17 of the LP. These seek to ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

Parking Provision

18. The submitted ground floor plan indicates there would be eight parking spaces provided within the development, although these would be for the use of staff and contractors rather than future residents. The Broxtowe Local Plan 'Guidance on Parking' document advises on the required number of spaces in the context of use classes and size of developments. However, there is no guidance for the C4 class.
19. From my own observations on the site visit, parking on Marlborough Road and Peveril Road appeared to be unrestricted and had some available space,

although I understand this is a snapshot in time and may not be representative of busier times. Accordingly, I have had regard to the many public objections to the scheme which refer to a general lack of parking in the area.

20. However, the Council's committee report acknowledges that there is no evidence to suggest that any increased parking would be detrimental to highway safety and there is nothing within the committee minutes or an appeal statement to substantiate this concern.
21. I further note the lack of objection from the Council's highways advisor, subject to conditions, while a plan to organise residents on their moving in and out days with a specified time slot to avoid congestion at these times could also be agreed by condition. Furthermore, the area is clearly well served by public transport and the main campus of one university is within walking distance, as are many local shops, bars and restaurants. There is also a number of cycle parking spaces proposed to encourage more sustainable modes of transport.
22. Based on the foregoing, there is no substantive evidence before me that the proposal would increase local parking pressure to unacceptable levels detrimental to highway safety. The proposal would therefore be in accordance with Policy 10 of the ACS which seeks, among other things, to ensure the dominance of motor vehicles is reduced.

Planning Balance and Conclusion

23. I have had regard to the socio-economic benefits arising from the proposal. The student residences would bring back into use a currently underutilised brownfield site and would contribute towards the supply of student accommodation in the area. Evidently the student population of Nottingham and the surrounding areas is projected to increase in the coming years as demonstrated in the Technical Paper: Student Housing Needs (Iceni, February 2020). The accommodation would be located in a highly sustainable location with regards to access to services and facilities, public transport and would be within walking distance of university buildings. These matters weigh in favour of the proposal significantly.
24. However, I have identified substantial harm to the character and appearance of the area which carries considerable weight against the scheme. A lack of harm to the living conditions of occupiers of nearby dwellings and local parking pressure would be neutral in the balance rather than weighing in favour.
25. As such, these benefits are outweighed by the conflict with the development plan. There are consequently no material considerations in this case to indicate that the appeal should be determined otherwise than in accordance with the development plan. As such, the appeal should be dismissed.

C McDonagh

INSPECTOR