



Appeal Decision

Site visit made on 24 May 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/B3030/W/22/3291694

24 Lyndhurst Avenue, Blidworth NG21 0RJ

- 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 Ansari Abdulla against the decision of Newark & Sherwood District Council.
 - The application Ref 21/01251/FUL, dated 28 May 2021, was refused by notice dated 26 August 2021.
 - The development proposed is the erection of a one bedroom, two storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development to that used by the Council in its decision notice as this more accurately describes the development proposed.
3. I note that in the second reason for refusal the Council cites a perceived loss of privacy to the occupiers of 24 Lyndhurst Avenue arising from the proposed development. However, this matter is not discussed in the officer delegated report and as I have no evidence to the contrary, I have not pursued this matter further.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area, including the non-designated heritage asset,
 - whether the proposed development would provide acceptable living conditions for the occupants at No.24 Lyndhurst Avenue, with particular regard to outlook and light, and to the amount of amenity space for the occupants of the proposed dwelling; and
 - whether the development would provide an adequate level of car parking within the site.

Reasons

Character and Appearance

5. The appeal site is in the grounds of a semi-detached dwelling which stands prominently on a crossroads within a housing estate which has a distinctive character and plan form. It forms part of a pair of distinctive dwellings which

are angled to face the crossroads. This arrangement is mirrored on the opposite site of Lyndhurst Avenue and both pairs of dwellings are set apart from the adjoining housing (when viewed from the south) which emphasises their framing of the junction. Facing them across the road is a pair of detached buildings, also angled and facing the crossroads, which share a similar form and appearance and are currently local convenience stores. There are similar arrangements of buildings at road junctions and corner plots in the immediate area making them deliberately different, with largely uniform rows of semi-detached and terraced houses in between.

6. Despite some recent developments in the immediate area, the wider estate has a sense of order and uniformity. The estate is identified on the Nottinghamshire Historic Environment Record as one of the largest carefully planned colliery settlements built in the Nottinghamshire coalfield in the interwar period. I have noted that the plan form and overall character of the buildings within this estate are clearly distinctive and recognisable and consider that the estate is appropriately identified as a non-designated heritage asset and accords with the Planning Practice Guidance 'Historic Environment' (2019). For the purpose of this appeal, I consider that the planned form and design of the buildings framing this crossroads contribute to the significance of the non-designated heritage asset and No.24 is an important component of that composition. It should also be noted that this crossroads is part of a main route leading up to The Crescent.
7. The proposed development would be sited in the side garden to 24 Lyndhurst Avenue (No.24) alongside No.61 Aberconway Street (No.61). The garden is currently enclosed from the road by a wall, and a dropped kerb provides parking to the side of the dwelling, although the area is poorly defined. The proposed dwelling would be sited in line with the front elevations of the adjoining properties with a parking space, bin storage and bicycle parking immediately to the front and amenity space at the rear. There would be no external path to the rear amenity space. No.24 would retain a parking space alongside with a reduced amount of amenity space at the rear.
8. The siting of the proposed dwelling would be roughly evenly spaced between No.24 and No.61, but it would occupy one of the significant gaps which I have identified as contributing to the layout and symmetry of buildings facing the crossroads. A gap which is shared by its mirrored pair of dwellings across Lyndhurst Avenue.
9. The form of the small, detached dwelling would also look out of place in the immediate area, which is characterised by semi-detached and terraced houses. It would be particularly noticeable in such a prominent location near to the crossroads with its recognisable plan form and appearance. Despite the use of similar materials and detailing, and the changes made to the roof form, the proposed dwelling would be highly visible in the streetscene and would harm the significance of the estate's plan form and its symmetry at a central point, as well as introducing a built form which would fail to assimilate with its surroundings. Harm would therefore be caused to the significance of the non-designated heritage asset.
10. In summary, the proposed development would harm the character and appearance of the surrounding area, including the non-designated heritage asset. The development would therefore be contrary to Policies 9 and 14 of the

Newark and Sherwood Amended Core Strategy (2019) (CS) and Policies DM5 and DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) (DPD). These policies require development to achieve a high standard of design which contributes to the distinctiveness of the local area. It would also conflict with the 2021 National Planning Policy Framework (the Framework) which amongst other things requires development to be sympathetic to local character and for heritage assets to be conserved in a manner appropriate to their significance.

Living Conditions

11. There are currently three windows on the side elevation of No.24, consisting of a small, secondary window to the ground floor, and a small bathroom and larger landing window to the first floor. Although the siting of the proposed dwelling and its overall height would to some extent have an overshadowing impact, the side windows are not principal windows and the impact on outlook and light would therefore be limited. Nor do I consider that the proposed dwelling would have an overbearing or overshadowing effect on the garden immediately alongside as this would be of reasonable width and its south facing aspect would allow an adequate level of light through to the rear garden.
12. Due to the constrained plot size, the proposed dwelling would have a limited amenity area with a small rear garden and space to the front would be taken up with parking and bin storage. The private amenity space to the rear would be small but I note that there are other small rear gardens in the immediate area and for a one bedroom dwelling I consider that it would be adequate.
13. The development would therefore provide acceptable living conditions for the occupants at No.24 Lyndhurst Avenue, with particular regard to outlook and light, and to the amount of amenity space for the occupants of the proposed dwelling. This would accord with CS Policy 9 and DPD Policy DM5 which seek to create good quality living conditions for existing and future occupants, including adequate amenity space. This approach is broadly consistent with the requirements of the Framework which seek to ensure the provision of appropriate levels of amenity for existing and future users.

Car parking

14. The proposed site plan shows a single parking space to the front of the dwelling, which is also identified for the siting of bike and bin storage. The Nottingham Highway Design Guide (2009), and the Newark and Sherwood Residential Cycle and Car Parking Standards Design Guide (2021) both specify a minimum distance of 5.5m from the highway boundary for driveway parking. I recognise that the area identified for parking is below this minimum requirement and even then, the space is located tightly up against the front of the dwelling and almost abutting the kerb. Whilst the occupant could have a small car, this cannot be relied on, and with the need to accommodate bin and cycle storage, as well as access to the front door, the frontage would be cramped and represent an unworkable arrangement. With this constrained frontage there is also the potential for a vehicle to overhang the pavement and therefore cause a highway obstruction.
15. I saw on site that currently provision could be made for parking two cars at the side of No.24. The proposed plans show only a single parking space for No.24

which would be below the highway design guidance of at least two spaces for a three-bedroom dwelling.

16. The site is simply too constrained to make satisfactory provision for off-road parking for the existing and proposed dwelling. Consequently, there would be a risk of vehicles overhanging or parking on the pavement which may cause obstruction of the public highway with a consequent risk to public safety. This would be contrary to CS Policy 7 and DPD Policy DM5, as well as the highway design guidance. The development would also fail to meet Section 9 of the Framework which seeks to ensure that safe and suitable access to sites can be achieved for all users.

Other Matters

17. I recognise that the development would make an efficient use of the site and is within easy access of shops and services. I have also had regard to the developments which have been identified in the local area. Whilst I don't have full details of these before me, I note that several are greater in scale and bulk, and none reflect similar circumstances to this appeal. The appeal site may lie within a non-designated heritage asset but that does not mean that all development will necessarily be harmful. Acceptability depends on the particular circumstances of the site and how a scheme would impact on the significance of the heritage asset, such as on its plan form and prominence.
18. The appellant raises concerns over the conduct of the Council in giving pre-application advice and handling a previous application. Such concerns should be normally addressed through the Council's own complaints service in the first instance. However, pre-application advice is an officer view based on the information at the time and is not binding on any decision subsequently made by the Local Planning Authority. The previous scheme was similar in many respects to the current appeal proposal and was refused by the Council due to harm to the character and appearance of the area and living conditions, reasons which were clearly made at the time and are still before me. Whilst parking provision wasn't given as a reason for refusal on the previous proposal, I note only limited details of the parking arrangements were provided.

Conclusion

19. Taking all the above points together, although I find no harm to living conditions, that does not outweigh my findings in respect of character and appearance of the area, including the non-designated heritage asset, and adequacy of parking provision.
20. I therefore conclude that the proposal would be contrary to the development plan, and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR