
Appeal Decision

Site visit made on 11 July 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/Q3060/D/22/3298967

3 Lenton Avenue, Nottingham NG7 1DX

- 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 & Mrs Wayne and Lindsay Lodge against the decision of Nottingham City Council.
 - The application Ref 22/00289/PFUL3, dated 7 February 2022, was refused by notice dated 26 April 2022.
 - The development proposed is 'single storey front & side extension to form garage. Raised decking to rear. Window alterations to side elevation'.
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Decision

1. The appeal is allowed and planning permission is granted for a 'single storey front & side extension to form garage. Raised decking to rear. Window alterations to side elevation' at 3 Lenton Avenue, Nottingham NG7 1DX in accordance with the terms of the application, Ref 22/00289/PFUL3, dated 7 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall take place in accordance with the following approved plans:
 - 20-142-P01 (Site Location Plan)
 - 20-142-P07 Rev K (Proposed Ground Floor Plan)
 - 20-142-P09 Rev F (Proposed Elevations)
 - 20-142-P10 Rev E (Street Scene Plan)
 - 20-142-P11 (Proposed Cross Section)
 - 20-142-P12 (Proposed Block Plan)
 - 20-142-P13 Rev B (Sections BB & CC)
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
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- 4) Notwithstanding the details shown on the approved plan, the first floor south (side) elevation window shall be fitted with obscure glazing and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- 5) The garage hereby permitted shall be available for the parking of at least one motor vehicle at all times.
- 6) The door of the garage hereby permitted shall be a roller shutter door only.

Main Issue

2. The main issue in this case is whether the proposed garage would be wide enough to adequately accommodate a motor car so as not to result in a loss of off-street parking and whether it would increase the risk to the safety of highway users.

Reasons

3. The appeal relates to a traditional detached dwelling which sits within a road of other attractive properties. The architectural and historic quality of the buildings within Lenton Avenue is recognised by its inclusion within the The Park Conservation Area (CA).
4. In addition to the garage which is proposed, the scheme includes a decked area to the rear of the property along with fenestration alterations. The Council raises no issue with these elements of the scheme and I have no reason to disagree.
5. The proposed garage would be built at the side of the dwelling. It would have a traditional pitched gabled roof and it would project forward of the principal elevation of the host dwelling. The garage would directly abut the back edge of the pavement in a similar fashion to the garage which serves the dwelling to the north, No. 5 Lenton Avenue.
6. The proposed garage would be long and it could accommodate two vehicles, one behind the other. This would potentially increase the amount of private car parking serving the appeal dwelling. This is because only one vehicle can currently be accommodated within the space at its side due to a combination of the existing inward opening gates and the position of a rear wall. The Council asserts, however, that the garage would not be wide enough to accommodate motor cars and allow for both drivers and passengers to exit them.
7. Policy TR1 of the Council's adopted Land and Planning Policies - Local Plan Part 2 (LP) refers to parking guidance set out in Appendix 1. This document itself refers to the Council's Supplementary Planning Document titled '*Delivering Streets and Places*' (SPD) which states that garages should have a width of at least 3m. The garage door would be 2.4m wide, which would exceed the minimum standard outlined within the SPD. The external wall of the side elevation of the host dwelling has two protruding chimney breasts. Their presence would reduce the width of the garage at these points and when accounting for the wall which would be built along the northern boundary

abutting No. 5 Lenton Avenue, the width would vary at certain points from 2.9m to 3.1m.

8. Even accounting for the pinch points, I am satisfied that the garage would be wide enough to comfortably accommodate two vehicles. I appreciate the Council's concern that the width of the garage would prevent occupants from exiting both sides of the vehicle. However, Lenton Avenue is a private road and from what I could see, it is not particularly busy and vehicles already park along the kerbside. On this basis and in the absence of any compelling evidence to the contrary, I see no particular highway danger if passengers were to exit a vehicle before it enters the garage, if needs be.
9. I note the SPD explains that garages should be located so that cars can park in front of garage doors and the garage doors can be opened while the car is on a drive. To this end, for garages with a roller shutter door, the SPD recommends a minimum 5.5m distance from the highway boundary. However, in this instance, the existing driveway sits behind inward opening gates which abut the back edge of the pavement whilst the garage at No. 5 Lenton Avenue has a door which is only recessed very slightly from the back edge of the pavement. Moreover, the Appellant has advised that the roller shutter door would be electric and controlled by a remote fob which could be activated as vehicles approached the garage. Although the remote operating specification would be difficult to enforce in planning terms, against the particular setting and context I have described, I am satisfied that the use of a roller shutter door, which does not encroach the pavement, would not worsen the current off-street parking arrangements.
10. I therefore find that the proposed garage would be large enough to accommodate at least one motor vehicle. Provided that the garage is used for this purpose, which could be secured by a suitably worded planning condition, it would not lead to a net loss of private parking and an increased pressure on kerbside parking and it would not materially increase the risk to the safety of highway users.

Other Matters

11. Concerns have been raised that the proposed garage would result in the loss of a gap and would harm the character and appearance of the CA. Given the presence of similar garages which sit next to and protrude from the principal elevations of other dwellings within Lenton Avenue, combined with the traditional design and finishing materials of the proposed garage, I share the view of the Council that the development would at least preserve the character and appearance of the CA, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Overall Conclusion

12. I conclude that the proposed garage would be of an adequate width to accommodate a motor vehicle and therefore with the imposition of a suitably worded planning condition to ensure that it was available for this purpose at all times, it would not result in a loss of private parking and it would not result in a material increase in the risk to the safety of highway users. In such terms, I find no conflict with policies DE1, DE2 and TR1 of the LP or the overall aims of

the SPD, which seek to ensure that development provides adequate parking and does not increase the safety risk for highway users.

Conditions

13. In addition to the standard conditions which limit the lifespan of the planning permission and direct that the development takes place in accordance with the approved plans, the Council has suggested two conditions in the event the appeal is successful. I agree that a condition to ensure the external finishing materials of the garage match those of the host dwelling is required in order to ensure a visually acceptable development. I also agree that the first floor window to be introduced to the side elevation of the host dwelling should be fitted with obscure glazing and should have restricted opening in order to maintain adequate levels of privacy for the occupiers of the neighbouring dwelling.
14. In allowing the appeal, I shall impose these conditions.

David Fitzsimon

INSPECTOR