



Appeal Decision

Site visit made on 23 August 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/P3040/W/22/3292377

4 Spencer Close, Ruddington NG11 6DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Burgess against Rushcliffe Borough Council.
 - The application Ref 21/02891/FUL, is dated 2 November 2021.
 - The development proposed is the demolition of existing conservatory to allow erection of single storey (ground floor) Front, Side, and Rear extension. (Revised Scheme - 21/02234/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council amended the appellant's description of development to: 'Demolish and replace conservatory with single storey front, side and rear (with double height rear element) extension; External alterations including application of cladding, alterations to fenestration and installation of balcony. (Resubmission of 21/02234/FUL)'. However, the appellant did not agree to this change. The Council described the second planning application to be 'similar' to the first application and it is clear to me what is now being proposed. I have therefore determined this appeal on the basis of the appellant's description stated on the application form.
3. The appeal was made against the failure of the Council to reach a decision on the application within the relevant statutory timeframe. The Council has explained at appeal that had it been in a position to do so it would have refused the application and has provided its reasons which form the basis of the main issue.

Main Issue

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

Reasons

5. The appeal relates to a two storey, semi-detached dwelling of red brick with a panel of vertical timber cladding to part of the upper floor. Along with No 5 alongside, this pair of semi-detached houses have retained their original form and a clear sense of symmetry and character despite several alterations and extensions. The properties sit at the head of a cul-de-sac in a predominantly

- residential area. A range of modest additions can be seen to many surrounding properties.
6. The appeal proposal concerns additions to the rear, side and front of the property and are predominantly of a single storey design, wrapping around the building. Alterations to the window openings are also proposed to the front elevation, together with an additional panel of timber cladding.
 7. Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS), and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP) require development to make a contribution to a sense of place and have regard to the local context. The Ruddington Neighbourhood Plan (2021) (RNP) incorporates the Ruddington Design Guide and includes Design Codes to guide new development to respond to local character.
 8. The existing conservatory would be replaced with a larger, wedge-shaped extension wrapping around the rear elevation, tapering towards the south west and continuing around the western gable. This extension would be predominantly single storey, except for a mono-pitch roof element adjacent to the boundary with No 5 which would incorporate a high-level gallery of windows. Whilst this extension would be of contrasting form and design to the main dwelling and use a cork render in contrast to the red brick, this part of the appeal proposal would not look out of place on the rear elevation and would be largely visually contained within the appellant's garden. Even the proposed side extension would be visually masked by the position of the neighbour's garage. It would therefore be broadly in line with the Design Codes as it would be predominantly out of view of the street, it would be subservient to the main dwelling and, in the context of the private amenity space, the design and materials would be appropriate.
 9. At the front of the property, a single storey extension is proposed across the whole of its frontage. Although this element would only provide a small amount of additional accommodation to the lounge, this sweeping flat roof incorporating the porch and a canopy in front of the garage would represent a very bold alteration which would become a dominant visual element, despite the use of matching brick. The extent of the flat roof, together with the failure to respect the vertical divisions of the main building would not assimilate well with it nor reflect the general style, form and character of the buildings in the immediate area.
 10. I am particularly mindful of the way that the front extension would relate to the design of adjoining buildings. Not only would it fail to assimilate with the general form and character of No 5, but the proposed expanse of flat roof would add to the visual effect of the existing smaller flat roofs to the properties on each side. Cumulatively, there would be an overwhelming dominance of flat roofing which would be prominently viewed. The effect of this element of the scheme would be to diminish unacceptably the character, appearance and integrity of the host building with consequent harm to the character and appearance of the surrounding area.
 11. Whilst I note that there are other flat roofs to dwellings nearby, none would have the dominance of this front extension. Furthermore, the alteration to the fenestration would further detract from the original styling and character of the host property and No 5 alongside, as well as the wider character of the area.

12. Consequently, the proposed front extension would fail to comply with the Design Codes as the flat roof would not make a positive contribution to the streetscene or the host building, front extensions should be avoided, and the proposed style would not be sympathetic to the host building.
13. I have reviewed the examples of other planning decisions. Whilst I do not have full details of these before me, I note that many of these examples were determined under different development plan policies and most before the RNP and Design Codes were adopted. The National Planning Policy Framework 2021 (the Framework) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Whilst these examples may incorporate features similar to this appeal proposal, and I recognise that this property is not within a designated area, I must assess this proposal based on the current development plan policies and the specific circumstances of the host building and its immediate built context. They therefore do not alter the conclusions that I have reached.
14. I recognise that the development is aimed at a retro-fit to Passivhaus standards, that the design is inspired by a local heritage asset and has had regard to the National Design Guide and the design objectives of the Framework. I also note that there were no objections from the public or other consultees. However, I have found that as a result of the form and design of the front extension, together with the associated changes to this elevation, the appeal proposal would significantly harm the pattern and character of development in the immediate area and would be an incongruous addition to the streetscape.
15. The appeal scheme would therefore not comply with CS Policy 10, LPP Policy 1 and the RNP. It would also be contrary to the high-quality design expectations of section 12 of the Framework.

Conclusion

16. I conclude that the proposal would be contrary to the development plan as a whole 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