



Appeal Decision

Site visit made on 31 August 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/B3030/W/22/3292894

Nampara, 30 Spring Lane, Balderton NG24 3NZ

- 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 William Baxandall against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02547/FUL, dated 2 December 2021, was refused by notice dated 13 January 2022.
 - The development proposed is demolition of detached garage, construction of detached bungalow with associated parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed dwelling would provide satisfactory living conditions for its future occupiers, with particular regard to noise.

Reasons

Character and Appearance

3. The appeal site comprises an area of land immediately adjacent to 30 Spring Lane. The land is in a prominent position at the entrance to the cul-de-sac. At the time of my site visit, the land was partly enclosed by a high timber fence. The A1 trunk road runs along the rear boundary, albeit is screened by a narrow tree belt.
4. The cul-de-sac is comprised of two storey semi-detached dwellings on the opposite side of the street to the appeal site, and semi-detached bungalows elsewhere. The dwellings are simple and traditional in form, characterised by a red brick finish and dual pitched roofs with side facing gables. The cul-de-sac is 'open plan', with largely unenclosed front garden spaces to each dwelling, save for perimeter tree and shrub planting in places. Dwellings are set back from the footpath and evenly spaced. The space provided to the front of dwellings and its prevailing open nature, combined with the greenery visible within front gardens and along the boundary with the trunk road, give the cul-de-sac a spacious and verdant character, and a largely harmonious appearance.

5. The proposed dwelling consists of two staggered blocks with independent hipped roofs. Along the frontage, the southern portion would step forward, at the point where the road begins to curve. It would be sited adjacent to the existing dwelling at No. 30, albeit would sit forward of its front elevation considerably and would be separated by a single car width driveway and a narrow footpath. Though the overall plot size may be comparable to others in the cul-de-sac, the irregular shape of the plot is not. The proposal would sit close to the rear boundary. It would also be sited close to the footpath on Spring Lane, and the space between the front elevation and the highway would be considerably smaller than that of other dwellings in the cul-de-sac. It would also be enclosed by a 1-metre-high fence and shrub planting, to function as a semi-private external amenity space for future occupiers.
6. The design of the proposal, its siting in relation to site boundaries and other dwellings, and the enclosed nature of its frontage are therefore out of keeping with those around it. On the approach to the cul-de-sac, while soft landscaping may soften the built development somewhat, the proposal would be conspicuous due to its proximity to the road and its discordant roof form, which would appear cluttered in its constrained context. In views from within the cul-de-sac, the extent to which the dwelling would step forward of adjacent dwellings would have an enclosing effect on the street scene and partly obscure the greenery that contributes to its setting. Overall, this would detract from the prevailing character and appearance of the area.
7. In respect of this main issue, I therefore find that the proposal would harm the character and appearance of the area, contrary to Policy DM5 of the Allocations and Development Management Development Plan Document (ADM DPD), adopted July 2013, and Core Policy 9 of the Amended Core Strategy (the Core Strategy), adopted March 2019. These policies, amongst other things, seek to ensure that the form, layout and design of proposals reflect the district's landscape and character, and contributes to and sustains local distinctiveness. The proposal is also contrary to Part 12 of the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.

Living Conditions

8. I observed on site that the proximity to the A1 trunk road results in road traffic noise during the day. The appellant has provided a noise assessment and accompanying technical note that demonstrates internal noise levels within the proposed dwelling would not exceed World Health Organisation (WHO) guidelines, subject to the provision of an acoustic fence and mechanical ventilation to allow windows to remain closed.
9. It is acknowledged that the proposed mitigation measures referred to above would provide an acceptable internal noise climate, and their provision could be secured by planning conditions. However, despite the proposed living room featuring large bi-folding patio doors opening into the side garden area, future occupiers would be forced to choose between opening a door or window and enjoying a quiet internal living environment. They would not be afforded the benefit of both simultaneously for any extended period.
10. In respect of external areas, only the seating area at the front of the proposed dwelling, adjacent to the site boundary, driveway and the road, would offer an external noise level which meets the WHO guidelines. While this external area would benefit from partial screening by the front boundary treatment, it is a

small space and would remain somewhat exposed by the driveway opening and its proximity to the footpath. Any benefit in terms of noise attenuation would therefore be eroded by the lack of privacy and functionality. Consequently, all external areas of the site would be compromised in some way and would not offer adequate private amenity space for the enjoyment of future occupiers.

11. While the site is located within an existing residential area, the proposed dwelling would be located closer to the dual carriageway than others in the cul-de-sac. Even if the noise levels would be comparable to existing dwellings, this does not in itself demonstrate the acceptability of noise levels for a new development in this location.
12. Though road traffic noise may reduce in the coming years due to an increase in electric vehicles, engine noise is not the only contributing factor and there is no compelling evidence before me to demonstrate noise levels will reduce.
13. Future occupiers may have access to the open countryside to the north and east and to Balderton Lake to the west. However, these perform a different function to private amenity space, and whether other public areas within walking distance would provide tranquillity and sufficient respite from the road noise for future occupiers has not been demonstrated.
14. In respect of this main issue, I therefore find that the proposals would fail to provide satisfactory living conditions for its future occupiers, with particular regard to noise. It is therefore contrary to Policy DM5 of the ADM DPD that indicates the layout of development should ensure it does not suffer from an unacceptable reduction in amenity. It is also contrary to paragraph 130 of the Framework which seeks to ensure, amongst other things, that development creates places with a high standard of amenity for future users.

Other Matters

15. The appellant highlights that there is a housing need for bungalows with two or more bedrooms in the area. This is acknowledged by the Council. This need is modest however and is not sufficient to outweigh the identified harm and development plan conflict.

Conclusion

16. For the reasons given above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR