



Appeal Decision

Site visit made on 15 November 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/P3040/W/22/3303345

**Land To Rear Of 5 & 7 Nottingham Road, Cropwell Bishop,
Nottinghamshire NG12 3BQ**

- 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 Miss Debby Clark against the decision of Rushcliffe Borough Council.
 - The application Ref 21/02761/FUL, dated 11 October 2021, was refused by notice dated 29 April 2022.
 - The development proposed is a new dwelling (2 bedroom).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring residents with particular regard to traffic generation, noise and disturbance.

Reasons

3. The site is to the rear of a shared access and parking area serving 3 to 7 Nottingham Road. The rear garden to 3 Nottingham Road adjoins the proposed dwelling along one side boundary, and the car park serving the Wheatsheaf public house adjoins the other.
4. The initial stretch of the proposed access currently jointly serves the public house and 3 to 7 Nottingham Road. At a point close to the rear elevation of No 7, the public house access branches off and is separated from the access serving Nos 3 to 7 by outbuildings and a boundary wall and fence. The access directly passes the rear boundary of No 7 and is very close to the rear boundary of No 5 and the side boundary of No 3.
5. The vehicular movements generated by the appeal proposal would be near to the private rear gardens and to the windows that face onto the shared parking and service area. Even though the vehicular movements associated with the proposal will be limited, given the size of the dwelling, due to the close proximity the occupants of Nos 3 to 7 would experience noise and disturbance. In the absence of any technical evidence that demonstrates that the increase in traffic and associated noise and disturbance could be suitably mitigated, I consider that the occupants of Nos 3 to 7 would be adversely and unacceptably affected.

6. Whilst there were very few cars parked in the public house car park when I visited the site it is reasonable to assume that it will be in use daily during opening times thereby generating a level of noise and disturbance to adjoining residents. I also appreciate that the occupants of Nos 3 to 7 are affected by noise from the traffic on Nottingham Road, a busy road through the village, and the nearby food store and its car park. However, the rooms served by windows at the rear and the rear gardens will be less affected given the intervening buildings and greater separation distance to the sources of the noise.
7. The vehicular movements from the proposed development will be directly next to the rear gardens of Nos 3 to 7 and closer to rear windows than any other external source other than those associated with the occupation of those dwellings. The occupants of those properties will therefore be more susceptible to any additional noise and disturbance. Consequently, the proposed development will unacceptably affect their living conditions including the enjoyment of their gardens.
8. I therefore conclude that the proposed development will unacceptably harm the living conditions of neighbouring residents due to traffic generation, noise and disturbance. It would therefore conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies, which seek to address the impact of development on the amenity of occupiers and nearby residents.

Other Matters

9. I acknowledge the benefit of the provision of a modest sized dwelling, which could provide a self-build opportunity, to the supply of housing in a location where public transport, services and facilities are accessible. In addition, I also note that there are no highway objections to the proposal. However, these matters or any others raised do not outweigh the harm that I have identified.
10. The Council confirm that the proposed development would adjoin the setting of a Grade II listed building, the Wheatsheaf Inn. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The outbuildings and the boundary treatment, that are within the setting and directly adjoin the appeal site, contribute to the significance of the listed building. The Council confirm that the design of the proposal is of a high quality that would not harm the setting of the listed building, I do not disagree.

Conclusion

11. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
12. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

Elaine Moulton INSPECTOR