



Appeal Decision

Site visit made on 23 January 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/P3040/W/22/3297313

155 Harrow Road, West Bridgford, NG2 7DY

- 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 Habib Ahmed against the decision of Rushcliffe Borough Council.
 - The application Ref 21/02581/FUL, dated 10 September 2021, was refused by notice dated 14 February 2022.
 - The development proposed is conversion of existing dwelling to 12 studio flats including rear two storey extension and loft conversion with front and rear dormers and associated parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as it is shown on the appeal form and the decision notice as this accurately describes the proposal.
3. The appellant appealed against non-determination of the application. However, the Council had already issued a refusal notice. I have determined the appeal on the basis that it is an appeal against a refusal to grant planning permission.

Main Issues

4. The main issues are the effect of the development proposed on:
 - the character and appearance of the host property and the surrounding area;
 - highway safety, with particular regard to the proposed access arrangements and parking provision; and
 - the living conditions of the neighbouring occupiers of 153 Harrow Road, with particular regard to light and privacy.

Reasons

Character and appearance

5. The appeal site comprises a large detached two storey dwelling located on a spacious plot on the corner of Harrow Road and Boundary Road within a mainly residential area of West Bridgford. The property is elevated above the road and set at a slight angle to it with a driveway to the front and a steeply sloping garden to the rear.

6. The surrounding area is predominantly characterised by two storey detached properties, which are generally set back from the road behind front gardens and driveways. The front elevations of properties on Harrow Road have a relatively uniform character arising from their consistent building lines and gaps between them, hipped roofs, double storey bay windows and small front gables. The area therefore has a spacious and well-ordered appearance which contributes positively to its character.
7. The appeal property has already been significantly extended with large two storey extensions on either side of the original building. Notwithstanding the substantial width of the host property, its relatively simple form, including roofs and bay windows, harmonise with its surroundings.
8. The proposed two storey rear extension would be of substantial width and depth and significantly increase the footprint of the property. The roof would become a more dominant feature of the building and its surroundings. In combination with the existing extensions to the property, I consider that the proposed rear extension and roof extensions would not be subordinate to the original building but would subsume it. That would be contrary to advice contained in the Rushcliffe Residential Design Guide Supplementary Planning Document (2009) (SPD) which advises, as a general rule, that the style and design of the original dwelling should remain the dominant element with the extension subordinate to it.
9. The proposed replacement of the existing hipped roofs with gable ends, and increase in the height of the building and addition of dormer extensions to both the front and rear roof slopes, would emphasise the increased scale and massing of the property and fundamentally change its character and appearance such that it would no longer be sympathetic to its surroundings.
10. The proposal would be prominent within the street scene, including the rear extension, which would be readily visible from Boundary Road due to the elevated position of the property and its location on a corner plot. Consequently, the development proposed would be overly dominant in the street scene and it would not integrate successfully with either the host property or its surroundings.
11. For the above reasons, I find that the proposal would be harmful to the character and appearance of the host property and the surrounding area. It would be contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS), Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP) and the SPD. In summary, and amongst other things, these require that the scale, design and layout of all new development be sympathetic to the character of the area. It would also conflict with the National Planning Policy Framework (the Framework), which seeks to ensure that development is well-designed and sympathetic to local character.

Highway safety

12. The plans indicate car parking for ten vehicles within the site with five parking bays to the front of the property which would be accessed via the existing access from Harrow Road, together with a further five bays to the rear accessed by a new crossover off Boundary Road.

13. I understand that a separate application for the erection of a boundary wall to the rear and side of the dwelling with a gate for car access to the rear has been refused by the Council¹. There is little detail before me as to the exact position of the proposed access to the rear parking, though given the geometry of Boundary Road it appears that it would be possible to create a safe access.
14. The existing front driveway and proposed rear parking area would appear to be of sufficient size to enable five vehicles to be parked in each area. However, there are no drawings showing vehicle tracking. Given the limited external space available within the site and the position of the bays, it is unclear how vehicles would be able to manoeuvre into and out of some of the bays and enter and leave the site in a forward gear, particularly if the other bays were occupied. Reversing in or out of the spaces onto either Harrow Road or Boundary Road would be likely to result in other vehicles having to wait on the highway for vehicles emerging from the site and lead to an unacceptable increase in risk to highway safety, particularly in the case of the existing crossover on Harrow Road as this is close to the junction with Boundary Road.
15. Accordingly, the proposal would fail to secure adequate off-street parking provision to meet the needs of future residents, which would therefore be likely to lead to additional pressure for parking spaces in the area. This would result in overspill parking on the road and potentially lead to reduced visibility at the junction with Boundary Road due to parked vehicles and obstruction of crossovers. The cumulative effects on the safety of highway users and the amenity of local residents would, as a result, be unacceptable.
16. The appellant considers that parking is not required for student accommodation save for one space when students arrive and unload and another for disabled persons. However, the application is for 12 self-contained studios which would in my view would generate the need for sufficient off-street parking, and there is no mechanism before me which would restrict the occupation of the units to any particular group of people.
17. I acknowledge that the front driveway is already used to provide access and parking for the existing property and that vehicle speeds are likely to be low on Harrow Road due to its residential nature. Nevertheless, the proposal would represent an intensification of the use of the property and increased vehicle trips from future occupiers and those visiting the site, which would lead to greater use of the access with a consequent risk to highway safety. The appellant refers to a development at Harrow Court, which is adjacent to a zebra crossing on Boundary Road, however no substantive details have been provided to demonstrate that it is comparable to the appeal scheme.
18. For the above reasons, I consider that the proposal would have an unacceptable effect on highway safety, having particular regard to the proposed access arrangements and parking provision. Accordingly, the proposal would conflict with Policy 1 of the LPP which requires, amongst other things, for a suitable means of access to be provided without detriment to highway safety.

¹ Council ref 20/02127/FUL

Living conditions

19. The appeal site is bounded by 153 Harrow Road to the northern side and by 50 Boundary Road to the rear (east). The latter is set on significantly higher ground than the appeal property and given the separation distance I consider that this neighbour would not be significantly affected by the proposal.
20. No 153 includes a single storey side extension which adjoins the boundary with the appeal site. There is a fence on the boundary between the two properties. A window to the rear of the neighbour's side extension is fitted with obscure glass and it does not appear to serve a habitable room. There is a window and patio doors further along the rear elevation of No 153 at ground floor, and first floor windows above, which appear to serve habitable rooms. These have oblique views towards the appeal site and therefore in my view would not be significantly affected by the rear extension in terms of overshadowing.
21. To the rear of No 153 there is a patio and a tiered rear garden which slopes up towards the boundary with 50 Boundary Road. Due to the angled relationship between the appeal property and No 153, the proposed rear extension would project towards the boundary with No 153 and the neighbour's rear patio. Given its depth and overall ridge height of around 7.7m, the extension would be likely to result in overshadowing of the neighbour's rear patio, particularly as it would be positioned in such close proximity and to the south of the patio.
22. The first and second floor windows and Juliet balconies to the rear elevation of the proposed rear extension and dormer would overlook the neighbour's rear garden at close range which would lead to an unacceptable loss of privacy. Although the neighbour's rear garden is screened from the appeal site to some extent by an evergreen hedge and shrubs on the boundary, there are gaps in the hedge such that it would not adequately mitigate loss of privacy to the neighbour's rear garden. Whilst the neighbour's garden is already overlooked by the appeal property and by windows to the side of No 50, the proposal would significantly worsen the situation and lead to a harmful impact on the neighbour's privacy.
23. I conclude that the proposal would be harmful to the living conditions of the neighbouring occupiers of 153 Harrow Road due to loss of light and privacy to the neighbour's rear garden and patio. It would conflict with Policy 10 of the CS and Policy 1 of the LPP, which seek to protect the residential amenity of adjoining properties. It would also conflict with the Framework where it seeks to create places with a high standard of amenity for existing users.

Other Matters

24. The appellant has referred to an approved double storey extension and dormer at 146 Harrow Road; an approved single storey rear extension, dormer and hip to gable enlargement at 153 Harrow Road; and developments at Harrow Court and Eton Court. Although I do not have the substantive details or planning history of these applications before me, the other properties are set within different surrounding contexts and do not provide justification for the appeal proposal, which I must consider on its own merits.
25. The Council indicate that the appellant would have been required to enter into a legal agreement to secure contributions towards, amongst other things, affordable housing and health provision. As the appeal is to be dismissed for

the other reasons referred to in this decision, it has not been necessary for me to consider this matter further.

26. Interested parties have raised various other concerns with the proposal, including in relation to whether there is a need for student accommodation in the area, that a precedent would be set, noise and disturbance, impact on trees and flood risk. However, the Council have not objected to the proposal in regard to these matters. Based on the evidence before me and my own observations on site, there is nothing that would lead me to reach a different conclusion on these matters. The absence of unacceptable effects in other respects is effectively neutral in my assessment of the case, rather than weighing positively in favour of allowing the appeal.
27. I have had regard to the potential benefits of the scheme, including the provision of 12 studio flats, the sustainability of the site location relative to services and facilities, employment opportunities created during the construction phase of the development and spending in the local area by future occupiers. However, given the modest scale of the development, the weight attributable to these matters is limited and is not sufficient to outweigh the harm that I have identified.
28. The appellant suggests that the existing property is dilapidated and represents an unpleasant eyesore. At the time of my visit, the property did not have a particularly dilapidated external appearance that detracted unduly from the appearance of the area. The appellant refers to a possible reduction in the size of the development or an alternative use of the property as a house of multiple occupation. However, there are no details of an alternative scheme before me and I can only consider the scheme that was before the Council at the time of its determination.
29. I note the appellant's concerns with the way the Council has handled the application, particularly in terms of timescales for the decision, but that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

30. The proposed development does not accord with the development plan read as a whole, and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR