



Appeal Decision

Site visit made on 31 January 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/J3015/W/22/3308099

Land to the rear of 177 and 179 High Road, Chilwell, Nottingham, Nottinghamshire NG9 5BA

- 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 Ian Plumb against the decision of Broxtowe Borough Council.
 - The application Ref 21/00849/FUL, dated 5 October 2021, was refused by notice dated 8 April 2022.
 - The development proposed is for a new 2 storey dwelling and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the application form and plans refers to the site as being at 179 High Road, while the Council refer to land to the rear of 177 and 179 High Road. The address on the appeal form refers to land to the rear of 177 and 179 High Road, so I have used this address in the banner heading above.

Main Issues

3. The main issues are:
 - a) the effect of the development on the character and appearance of Chilwell Conservation Area; and
 - b) whether future occupiers would have acceptable living conditions having regard to garden space, outlook and daylight.

Reasons

Character and appearance

4. The appeal site is between the rear of an historic building (177 and 179), part of which has been converted into a local store, and number 179a which is located at the end of the shared drive which adjoins the appeal site, off the main road.
5. The appeal site is in the Chilwell Conservation Area (CA) and is listed as being within *Zone 1 – High Road* in the Conservation Area Character Appraisal (CACA). The key features of the conservation area relevant to this appeal are the historic buildings, including 179, and the tall mature Walnut tree which provides some transition to the western part of High Road which includes more tall mature trees.

6. At my site visit I found that the appeal site was not visible from High Road, but that the Walnut Tree was. In addition to visiting the locations seen in the appellant's photographs, I was also able to view the appeal site and tree from The Twitchell, a single lane road further along High Road. The appeal site is also visible from the windows of a number of houses and would be seen in the context of the adjacent historic building.
7. From the public realm the rear elevation of the building would be the most prominent. Although some distance from The Twitchell, most of the first floor part of the rear elevation would be visible, extending beyond the existing out rigger at 177 and 179 and the rear projections of other buildings which face the highway. The CACA identifies that one of the threats to the CA is the development of gap sites which contribute to a loss of character. Although the two storey height is similar to neighbouring houses, the rear elevation has little design detail with no first floor windows which would be unusual. The building would also partly screen the attractive mature Walnut Tree from this aspect. The lack of design detail, accentuated by its height and mass, would present a dominant and intrusive addition, which would not integrate with the surrounding development and harm the character of the CA.
8. The front elevation has more detail, with double front gables and a roof dormer with large glass windows. This elevation would be visible from nearby houses but would also be unusual, having little in common with some of the more modern houses here, which have simple designs without gables, and also different to those which do have single feature gables, which are commonly the focal point of their host building. The front elevation design would also not integrate with the rear of the adjacent historic building which has a simple designed out rigger without gable details and smaller windows. Such simple designs are commonly found on buildings at the rear of highway facing properties. Consequently, the design does not reflect the character of the CA.
9. The proposal would not preserve the character of the CA. In relation to paragraph 196 of the National Planning Policy Framework, whilst the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm. The proposal is contrary to Policy 23 of Broxtowe Borough Council, Part 2 Local Plan 2018-2028 adopted October 2019 (LP) and relevant policies including those in chapter 16 of the National Planning Policy Framework (Framework). These policies seek, amongst other things whether new development conserves or enhances the historic environment.

Living Conditions

10. The garden area is split into three sections at the front and side of the house. All of the garden areas would be shaded for significant periods of the year by the close proximity of existing conifer trees, the elevations of the appeal house the neighbouring garage and the canopy of the Walnut Tree. The smallest of the three sections would not be practical to use, other than storage, because of its narrow width. The two larger sections would also be subject to minor nuisances described in the tree report, leaf and nut litter and likely deposits of sap too for periods during the year. The combination of these issues and their effect on what are comparatively small areas of garden space would be significant and not sufficient to provide acceptable living conditions for occupants of this house.

11. Most of the ground floor windows to the rear would be screened by the existing boundary treatment. The front elevation windows at ground floor level face the existing fence and a proposed gate with little amenity space between. Both the main living room window and dining room window would face the blank boundary fence in close proximity, and because of this relationship, these rooms would suffer from an unacceptable sense of enclosure.
12. The conifers, boundary fencing, walls, adjacent buildings and Walnut tree canopy would all contribute to significant shading of all of the ground floor windows which would lead to a lack of daylight to the main ground floor habitable rooms of the proposed house, especially during the summer months, providing unacceptable living standards for occupants using these rooms.
13. I conclude that the proposed development would fail to create acceptable living conditions for occupiers of the proposed house, with particular regard to the size and practicality of the garden space, outlook and daylight. The proposal is contrary to Policy 17 of the LP and relevant policies in particular chapter 12 of the Framework. These policies seek, amongst other things that new development considers the layout of existing buildings, streets and landscape, and provides a satisfactory degree of residential amenity.

Other Matters

14. The issue of land ownership has been raised by an interested party and responded to by the appellant. An appellant does not have to own a site to seek planning permission, but in any case, based on the evidence before me, there is no reason to conclude that they did not submit the correct ownership certificate. In any event, as I am dismissing the appeal for the reasons stated and I am not granting planning permission, land ownership matters do not have a direct bearing on my decision.

Conclusion

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

S Crossen

INSPECTOR