



Appeal Decision

Site visit made on 2 February 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/Q3060/W/22/3306465

Site Of 11 Huntingdon Drive, Nottingham NG7 1BW

- 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 Cohen against the decision of Nottingham City Council.
 - The application Ref 22/00644/PFUL3 (PP-11148557), dated 25 March 2022, was refused by notice dated 20 May 2022.
 - The development proposed is described as: 'Replacement dwelling'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. In doing so I have removed words that are not acts of development.
3. The Council has granted planning permission¹ for the erection of a replacement dwelling at the appeal site. The approved plans show the reconstruction of the Bulwell stone boundary wall to the frontage of the site to reflect a wall that was required to be demolished following a fire at the previously existing dwelling.
4. This permission has been implemented and construction of the dwelling is well underway. The appeal application relates to a revised scheme, with the only change from the extant permission being the provision of a rendered blockwork wall rather than the re-instatement of the Bulwell stone wall. The Council's single reason for refusal argues that the proposed rendered boundary wall would be unsympathetic to the character and appearance of the conservation area.

Main Issue

5. The main issue is therefore whether the revised boundary wall would preserve or enhance the character or appearance of The Park Conservation Area.

Reasons

6. The Park Conservation Area (the CA) is characterised by large, detached houses including a considerable number of substantial and elaborate nineteenth century villas. The dwellings are typically set back from the road behind tall boundary walls that are usually constructed in red brick or stone or sometimes a mix of the two. The stone walls typically comprise of regular coursed stonework and are a characteristic and unifying presence throughout the CA.

¹ Ref 20/02484/PFUL3

The walls provide a degree of consistency to the streetscene, as dwellings of different ages and styles sit alongside one another. I have been provided with very little detail in relation to the significance of the CA however, based on my observations on site and the evidence before me, the significance of the CA derives from the varied topography, the prevalence of large detached dwellings set back from the road, the consistency of the tall boundary walls and the large number of detached villas.

7. Having regard to the evidence before me, including photographs, I am satisfied that the boundary wall that that existed prior to the fire, reinforced the character and appearance of the CA. Similarly, having regard to the above, the re-instated Bulwell stone wall that forms part of the extant permission would preserve the character and appearance of the CA.
8. The dwelling forming part of the extant permission, and the subject of this appeal would be finished in white render. This is reflective of the neighbouring dwelling 13 Huntington Drive, which is of a similar design. No 13 has a rendered wall to the frontage of a height broadly equivalent to other boundary walls in the vicinity. This wall has a smooth white finish, that, whilst reflective of the host property, is not typical of the CA and stands out against the textures of brick and stone nearby. The appeal proposal would involve the construction of a similar rendered wall, adjoining the wall at No 13 and extending to the frontage of the appeal site.
9. The proposed wall would reflect that at the neighbouring property, however, as set out above, owing to its render finish, smooth texture and white colour, it would appear at odds with the distinctive boundary walls that characterise the CA and as such it would not reinforce its significance. The appellant has referred me to a grant of planning permission for the wall at No 13 in 2016, however I have been provided with no details of this, including any pre-existing development. I can therefore give this approval limited weight.
10. The appellant has provided me with photographs of other instances of rendered walls in the locality, however, these are isolated examples when compared to the prevalence of the traditional stone and brick walls that characterise the CA. Render is much more commonly used as a finish to the external walls of houses within the CA rather than used for boundary walls. The houses within the CA have a different relationship with the streetscene to the boundary walls.
11. The appellant states that the proposed wall would represent a better match for the existing dwelling. Whilst that may be the case, my role is to assess the effect on the whole of the CA, an area designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. As such it would not be appropriate to consider the appeal site in isolation. In my view, the approved stone wall has a unifying effect on the development, helping to tie the contemporary dwelling to the prevailing character. It would not appear incongruous.
12. The appellant argues that the previously existing stone wall was only constructed in 1985. However, that wall was presumably constructed to reflect the boundary walls that are characteristic in the area. Furthermore, I have not been provided with details of boundary features that existed prior to 1985. The 1985 wall may have itself replaced an earlier brick or stone wall such as that present at the neighbouring garage site.

13. Overall, I conclude that the revised boundary wall would fail to preserve or enhance the Park Conservation Area and would amount to less than substantial harm as set out in paragraph 202 of the Framework. This would be contrary to Policies 10 and 11 of the Greater Nottingham Aligned Core Strategy (2014) and Policies DE1, DE2 and HE1 of the Nottingham City Land and Planning Policies (2020) which together seek to provide high quality design that protects and enhances local townscape and conserves heritage assets in a manner appropriate to their significance.
14. Section 72(1) of the Act² requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
15. Whilst I sympathise with the appellant with regard to the fire damage that occurred at his property, I have not been directed to any public benefits of the proposal that are not already assessed above. Nonetheless, I accept that the rebuilding of a dwelling that has been damaged by fire would represent a public benefit through the improvement to the streetscene. This is a moderate benefit. However, as evidenced by the extant approval, the construction of the associated boundary wall does not have to take the form that is before me.
16. Overall, the moderate public benefit listed above, when taken together with any other public benefits, would not outweigh the harm to the setting of the listed building and to the character and appearance of the CA.

Conclusion

17. For the reasons given, having considered the development plan as a whole, the requirements of the Act and the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

² Planning (Listed Buildings and Conservation Areas) Act 1990.