



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/22/3307201

25 Padley Close, Nottingham NG6 9ND

- 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 Khalid Muneer against the decision of Nottingham City Council.
 - The application Ref 21/00898/PFUL3, dated 20 April 2021, was refused by notice dated 5 July 2022.
 - The development proposed is described as: 'bungalow with room in roof'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has highlighted a number of inaccuracies with the proposed plans. At the site visit I saw that the submitted plans do not correctly show the position of boundaries as they exist on the ground and the position of existing dwellings and the extent of their garden areas. The plans do not clearly indicate the wooded banking running to the rear of these houses or the position of the railings that define the edge of this area.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings including the occupiers of the host property; and
 - the effect of the proposed development on trees.

Reasons

Character and Appearance

4. Padley Close is a residential cul-de-sac located in a suburban area. Dwellings here are typically detached or semi-detached houses fronting the road and turning head providing a coherent pattern to the streetscene. The trees growing to the north provide a verdant backdrop to the built form of the dwellings. The trees, and the elevated rear gardens of dwellings on Padley

close are visible from Bulwell Railway Station which is located at a significantly lower level.

5. The appeal site is the rear garden of 25 Padley Close, a detached dwelling located on a corner plot that fronts the turning head. To the north are the gardens associated with Chatham Court, a sheltered housing block. The predominantly grassed garden of No 25 slopes down towards the railings that define the edge of a wooded bank. The wooded bank slopes down more steeply to the railway line and Bulwell Railway Station is located to the west of the garden area. As with neighbouring properties, this is enclosed by metal railings.
6. The on and a half storey dwelling would be sited in the rear garden of No 25. The resulting conflict with the prevailing character of dwellings fronting the road would be highly evident in views from around the turning head from where the dwelling would appear as an incongruous addition to the streetscene. It would have a substantial footprint in comparison to the modest garden of No 25. As such, whilst I have limited information in this regard, it is clear that it would dominate the garden and appear as a cramped form of development, being positioned close to site boundaries. Furthermore, whilst the information on the plans is limited, a dormer bungalow would not be reflective of the prevailing character of two storey houses.
7. Moreover, due to the significant slope across the site, the dwelling would be required to be built over the slope as the land falls away towards the railway. This would add to the bulk and massing of the structure which would be highly prominent in views from Bulwell Railway Station where it would appear as a discordant structure extending down the slope, at odds with the pattern of development. The glazing in the gable and the window arrangement would add to the prominence of the structure here. Additionally, the proposal would intrude into the wooded bank, which contributes to the visual amenity of the area, adversely affecting character and appearance.
8. For the above reasons, the proposal would result in harm to the character and appearance of the area. The proposal would therefore conflict with Policy 10 of the Greater Nottingham Core Strategy (2014) (the CS) and Policies DE1 and DE2 of the Nottingham City Land and Planning Policies (2020) (the LPP) which together seek to provide high quality design that preserves character and appearance.

Living Conditions

9. Due to the arrangement of dwellings around the turning head and the presence of the wooded bank to the rear of some of the dwellings, privacy levels and outlook are reasonably high along Padley Close. Local residents would rightly expect to see those levels preserved as part of any development proposal.
10. The appeal proposal seeks to construct a dwelling adjacent to the side boundary of the garden of 26 Padley Close. The gable end of the proposed dwelling would face the garden of No 26, at a short distance, from where it would be possible to overlook its garden. This would adversely affect the privacy of the occupiers of No 26 to the detriment of living conditions.
11. A windowed elevation would face towards No 25 and its garden at a very short distance. Whilst a new boundary fence could reduce some overlooking

potential, the proposal, through its rooflights, would likely reduce privacy levels here, to the detriment of the living conditions of future occupiers of No 25.

12. Furthermore, given the scale, height and massing of the proposed dwelling, it would be highly dominant and imposing in views both from the garden of No 25 and in views from its windows, significantly reducing outlook. The living conditions of the occupants of No 25 would be materially diminished accordingly.
13. For the above reasons, the proposal would result in harm to the living conditions of the occupiers of neighbouring dwellings. The proposal would therefore conflict with Policy 10 of the CS and Policy DE1 of the LPP which together, and amongst other things, seek to provide high quality design that preserves the living conditions of neighbouring occupiers.

Trees

14. An Arboricultural Impact Assessment (AIS)¹ has been submitted in support of the proposals. The AIS was informed by a tree protection plan which shows the location of the proposed dwelling and trees on the wooded bank.
15. However, I cannot be satisfied that the AIS has correctly assessed the effect on trees as it only refers to four trees, when there are numerous trees lying close to the development that could be affected by it. Furthermore, this plan shows a much smaller dwelling than that shown on the proposed plans. The dwelling for which consent is sought would extend further into the bank and would impact on additional trees that are not shown.
16. The AIS accepts that one tree would be removed and suggests Heras fencing around the remaining identified trees for the duration of the development works. However, given the inaccurate nature of the proposed plans, as well as the incorrect tree protection plan, the exact position of the proposed dwelling is unclear. As a result, there is an absence of convincing evidence that the proposed dwelling can be constructed within close proximity to the trees. Furthermore, given that the AIS only refers to four trees without any justification for discounting other trees present, there is therefore considerable doubt in my mind as to whether the development can be adequately constructed without harming the trees.
17. The extensive change in levels across the site, and the likely works required to construct the dwelling only adds to my concern that the proposal would impact upon adjacent trees. The appellant has stated that the dwelling could be constructed using pile foundations, however there is no method statement showing how this would be carried out. Whilst the appellant argues that this could only happen when the work is out to construction, without this information I cannot be certain whether this would adequately protect the trees or whether it would be appropriate in this instance.
18. On the evidence that is before me, I am not convinced that the proposed development could be constructed without causing harm to the trees. The proposal would therefore be contrary to Policy L7 of the LPP which recognises the importance of trees and seeks to ensure proposals for new development successfully integrate existing trees into development proposals where possible.

¹ By Allarboriculture, dated 20 January 2022.

Other Matters

19. Whilst I sympathise with the appellant at the time taken to determine the application, the administration of the application is a matter for the Council. My role is to assess the scheme before me.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR