



Appeal Decision

Site visit made on 8 March 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/J3015/W/22/3309065

Land Opposite 7 Coopers Green, Beeston, Nottinghamshire NG8 2RP

- 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 M Marinelli of Hofton & Son Ltd against the decision of Broxtowe Borough Council.
 - The application Ref 22/00548/FUL, dated 1 July 2022, was refused by notice dated 9 September 2022.
 - The development proposed is the erection of a single detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In its first reason for refusal, the Council referred to policy 28 of the Aligned Core Strategy (ACS). In the officer's report though this policy is not listed as relevant to the proposal. Given that the reason for refusal relates to a Prominent Area for Special Protection, I have therefore determined this appeal on the basis that the LPA instead meant policy 28 of the Part 2 Local Plan which seeks to protect such assets.
3. In the Council's second reason for refusal reference is made to policy 17 of the ACS and policy 10 of the Part 2 Local Plan. However, as policy 17 of the ACS relates to biodiversity it is not relevant to the assessment of the design of a proposal and policy 10 of the Part 2 Local Plan is not listed as a relevant policy in the officer report. As suggested by the appellant, I have therefore assessed the design of the proposal against policy 17 of the Part 2 Local Plan which relates to, amongst other matters, place making and design.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed development on Green Infrastructure Assets; and,
 - the effect of the proposed development on the character and appearance of the streetscene.

Reasons

Green Infrastructure Assets

5. The appeal site is undeveloped land at the southern end of the residential cul-de-sac, Coopers Green. Based on the submitted plans and excerpt provided from the Policies Map, and having viewed the appeal site, I am satisfied that a significant proportion of the site is located on land identified by the development plan as

forming part of three different Green Infrastructure Assets (GIAs). These assets are Bramcote Ridge Prominent Area for Special Protection (PASP), Alexandra Plantation Local Wildlife Site and Informal Open Space (IOS), referred to by the Council as Coopers Green Open Space.

6. The GIAs in the vicinity of the appeal site are characterised by open land populated by trees and dense undergrowth that rises to the south and west. As this landscape forms the backdrop to the street and reaches in to and abuts the end of this cul-de-sac, it forms an important part of the streetscene.
7. The appeal site is enclosed by a post and rail fence and has been cleared of undergrowth to leave grassland, together with a few modest trees towards its rear. However, whilst the fence prevents public access its open and green nature means that visually it makes a positive contribution to the PASP and IOS.
8. The proposed split-level bungalow would have off road parking and a rear garden. Together with associated domestic paraphernalia the proposed development would therefore urbanise the site and considerably reduce its openness. These changes would be readily apparent in views from Coopers Green, the pedestrian link from Appledore Avenue directly facing the appeal site and from the informal paths to the side and rear of the site. The harm caused by the loss of part of this PASP and IOS to built development and the associated urbanising effect would be significant.
9. Policy 28 of the Part 2 Local Plan protects GIAs from development. In all cases it advises that permission for development will not be granted unless the benefits of development are clearly shown to outweigh the harm. I shall determine this matter in the conclusion to this decision.
10. It is common ground that given the site has been cleared of undergrowth and has only a few small trees present it is not of the quality for which the Local Wildlife Site was designated. As a result, the officer's report found that the proposed development will not adversely affect ecology and that ecological enhancement could be secured by condition. I agree with that assessment. As the Local Wildlife Site would not be harmed the proposal would therefore comply with policy 31 of the Part 2 Local Plan. The absence of harm though is a matter of neutral rather than positive weight in favour of a proposal.

Character and appearance

11. Coopers Green is characterised by closely spaced, detached dwellings with open front gardens. The open, green nature of the appeal site, and land next to it and to its rear, creates an attractive landscape setting for the street and introduces a sense of spaciousness to it. The proposed development would urbanise the site and result in the loss of much of its open, green character.
12. The tall front roof to the proposed split-level bungalow would also result in a dwelling with a top-heavy appearance that would be out of keeping with the design of other well-proportioned bungalows along the street.
13. For all these reasons, I therefore conclude that the proposed development would constitute poor design that would cause demonstrable harm to the character and appearance of Coopers Green, contrary to policy 17 of the Part 2 Local Plan. This policy requires the protection of the character and appearance of a locality through high quality design that respects local design features.

Conclusion

14. I have found that the proposal would cause significant harm to two GIAs, namely the Bramcote Ridge PASP and the IOS, Coopers Green Open Space. In addition, I have found that the proposal would cause demonstrable harm to the character and appearance of the area.
15. Other considerations have been put forward in favour of the proposal. These are the benefits of its contribution towards meeting the housing delivery target and housing demand with a type of housing that is in short supply locally, and the economic benefits of construction employment and the additional spend on local services and facilities that a further household would bring. These considerations though are insufficient to outweigh the harm that would be caused to the GIAs and the character and appearance of the area, and the resulting non-compliance that would occur with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector