



Appeal Decision

Site visit made on 28 February 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/P3040/W/22/3308006

Numbers 49 to 55, Trent Boulevard, West Bridgford NG2 5BB

- 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 Nigel Turpin against the decision of Rushcliffe Borough Council.
 - The application Ref 21/02848/FUL, dated 19 October 2021, was refused by notice dated 27 May 2022.
 - The development proposed is described as "demolition of existing bungalows and construct five apartments and two dwellings."
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Paul Buckingham against Rushcliffe Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of the proposed development in the banner heading above is taken from the planning application form. However, during the application stage the number of proposed apartments changed from 5 to 6. The above description therefore differs from that on the decision notice which is "proposed demolition of existing bungalows and to construct 6 apartments and two new dwellings including erection of bike store and bin store, boundary wall and associated parking (resubmission of 21/01719/FUL)." My decision is based on this description from the decision notice, since it more accurately described the proposal. It is also shown on the appeal form, so the appellant would not be prejudiced by my use of it.

Main Issues

4. The main issues are the effect of the proposal on:
 - protected species; and
 - the character and appearance of the area.

Reasons

Protected Species

5. The appeal site consists of two bungalows and is located between the dwellings of No 47 and 57 Trent Boulevard.
6. The proposal would involve the demolition of the existing bungalows on the appeal site. The site is located in an area with several large trees and vegetation to the rear of the existing bungalows. An ecological survey of the site is therefore needed.
7. The appellant has suggested that a condition could be used to undertake the ecological survey prior to development works commencing on site. However, the proposed development's impact on protected species cannot be determined without an up-to-date ecological survey. Consequently, it has not been demonstrated that the proposal would not have any adverse effects on protected species.
8. A condition would not be reasonable as any mitigation measures found necessary to remove adverse effects on protected species could lead to a substantial re-design of the development. It may also be the case that adverse effects can't be mitigated, which would need to be established before permission is granted. Any measures found necessary to protect species would also need to be in place through conditions and/or planning obligations before permission is granted.
9. I therefore conclude that insufficient information has been submitted to be satisfied that protected species would not be adversely affected by the proposed development. I must therefore take a precautionary approach.
10. For the reasons given above, the proposal would fail to accord with Policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019), which amongst other things, states that developments which are likely to significantly affect a priority habitat or species should avoid, mitigate or as a last resort compensate any loss or effects.

Character and Appearance

11. The appeal site is located within a predominantly residential area with some commercial and other non-residential properties. Properties in the area are mainly two-storey semi-detached traditional style houses characterised by red brick and stone detailing with forward projecting bay features. There are also some two-storey detached rendered properties nearby.
12. The appeal site comprises a pair of semi-detached bungalows with hard surfaced driveways to the front and gardens to the rear. The existing bungalows are discordant with the established character of the area and therefore make a neutral contribution.
13. Plot 1 of the proposed development would consist of a three-storey detached property which would provide 6 residential flats. Plot 2 would also be of three-storey and would provide one detached dwelling. Whilst these proposed buildings would be taller than the adjacent No 47, they would be of a similar height to the neighbouring properties at No 45 and 57.

14. Plot 3 would comprise of a detached dwelling with a slightly lower ridge height than the adjacent No 57 and the proposed plot 1 and 2 dwellings. However, this change in ridge height would not be dissimilar to other dwelling heights within the area and would introduce a subtle change to the roofscape when viewed from Trent Boulevard.
15. Furthermore, several nearby dwellings provide accommodation within the roof-space through rooflights and dormer windows and there are some examples of second floor windows within the apex of two-storey gable features. Therefore, although the proposal would be of three-storey, it would maintain the established predominant scale of the buildings in the area and would not appear out of place within its surroundings. In addition, the proposal's traditional design, including front facing gable features and projecting bay windows, would complement the traditional character of the local area.
16. Although the proposal would incorporate render and brick work to the walls, I noticed similar use of materials in the surrounding area. I also consider that the proposed slate roof tiles would add a plain finish and would therefore relate sympathetically to its surroundings.
17. The proposal would respect the building line of the existing built form and the plot widths would accord with nearby dwellings. In views from Trent Boulevard, the proposal would appear adjacent to the existing buildings and would not appear overly dominant or obtrusive.
18. In my judgement, the proposal would improve the visual balance and rhythm of development when viewed from the street. This is because there is currently a mismatch in scale between the height and width of the existing bungalows and the neighbouring properties. The proposal would address this uneven design by rebalancing the form and shape of the built form, which would improve the appearance of the street scene. Taken together with the external materials, the proposal would relate well to the existing dwellings along Trent Boulevard and would not be detrimental to the character and appearance of the area.
19. For the reasons given, the proposal would make a positive contribution to the street scene and the character and appearance of the area. As such, for this main issue, the proposal would accord with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014), which amongst other things, seeks to ensure new development reinforces valued local characteristics. The proposal would also accord with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019), which amongst other things, seeks to ensure new development is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. In addition, the proposal would also accord with the design objectives of the National Planning Policy Framework.

Other Matters

20. I acknowledge that there were a number of representations, including those by a local councillor in respect of the proposal. In addition to the main issues I have addressed above, the representations included concerns relating to flood risk, insufficient parking spaces, living conditions of neighbouring occupants, and refuse collection. However, these factors are not in dispute between the main parties and were addressed in the Officer's Report, with the Council

concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view.

Planning Balance

21. The proposal would provide 6 apartments and 2 dwellings with adequate access to local services and facilities. However, given the small scale of the proposal, the provision of these additional dwellings would attract only modest weight.
22. The lack of harm I have found in regard to the character and appearance of the area would be neutral in the balance. Thus, overall, the modest benefits are insufficient to outweigh the harm I have found in regard to protected species. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan.

Conclusion

23. For the reasons given above, I conclude that the appeal is dismissed.

Helen Smith

INSPECTOR