



---

# 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: 29 March 2023**

---

**Appeal Ref: APP/P3040/W/22/3307646**

**47 Cropwell Road, Radcliffe on Trent, Nottinghamshire NG12 2FQ**

- 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 C Punter against the decision of Rushcliffe Borough Council.
  - The application Ref 22/01092/FUL, dated 6 June 2022, was refused by notice dated 1 September 2022.
  - The development proposed is erection of bungalow, demolition of existing garage to create access and parking (re-submission of 22/00514/FUL).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In October 2021 planning permission was granted for the erection of a 2-bedroom bungalow annexe to the rear of 47 Cropwell Road (ref: 21/01157/FUL). This previous permission is subject to a condition which restricts the occupancy of the bungalow annexe. The building approved by this previous planning permission has already been constructed on the appeal site.
3. The proposed bungalow that is the subject of this appeal is identical in terms of its size, location, design and materials to that which was granted planning permission for 21/01157/FUL.

## Main Issue

4. The main issue is the effect of the proposal on the living conditions of existing and future occupiers, having particular regard to outdoor amenity space and disturbance from vehicular movement.

## Reasons

5. The appeal site is located within the grounds of 47 Cropwell Road (No 47). No 47 is a detached bungalow located to the rear of 45 Cropwell Road. The site is accessed from a private driveway off Cropwell Road. The surrounding area is mainly residential. A bowling green and clubhouse are located to the north-west of site, and the South Nottinghamshire Academy secondary school is located to the north-east.
6. Permission is sought for a detached bungalow with separate ownership from the host dwelling at No 47, with its own access arrangements, parking area and outdoor amenity space. The proposed bungalow would be the same building as the building previously approved for an annexe to No 47 (ref: 21/01157/FUL).

7. The proposal would sub-divide the existing plot to provide two separate plots for each dwelling. It would also demolish the existing garage in order to extend the current driveway along the south-eastern boundary of the site and would create separate parking spaces for the proposed bungalow.
8. The proposal would therefore divide the existing garden into two separate areas, resulting in a significantly reduced garden area for the host dwelling.
9. Due to the orientation of the proposed bungalow, the proposal would result in an arrangement whereby the main garden space for the proposed bungalow would be located to its front. Whilst a much smaller narrow area of land would be located to the rear and side of the proposed bungalow, this would be an awkwardly shaped strip of land that would limit its usability.
10. Similarly, the proposal would result in two separate garden spaces for the host dwelling. The front garden would be located adjacent to that of the proposed bungalow and there would be a small irregular shaped garden to the rear of the host dwelling.
11. The Council's Rushcliffe Residential Design Guide Supplementary Planning Document (2009) (SPD) indicates that detached properties should provide a rear garden with a minimum depth of 10m. The depth of the proposed rear garden for the host dwelling and the proposed bungalow would fall short of this requirement. Furthermore, due to the limited depth of the rear garden and its northly orientation, the rear gardens would not receive much sunlight which would contribute towards the inadequacies of these rear garden spaces.
12. In addition, the rear garden areas to each dwelling would be overlooked by users of the bowling club that adjoins the appeal site. This is because the garden areas would be located next to the bowling green with close range views. This would result in insufficient levels of privacy within the garden areas that would be unacceptably harmful to the living conditions of existing and future occupiers. Whilst a higher fence could be installed, this would create an enclosed outlook and would likely cause overshadowing to these small irregular shaped spaces.
13. I acknowledge that the total combined garden space for each dwelling would be greater than 110sqm for a detached property. Nevertheless, the garden spaces would be split into two spaces for each dwelling (front and rear). The size of these individual spaces for the proposed bungalow would be less than 110sqm. The Council's SPD indicates that developers will be required to demonstrate why smaller gardens are acceptable to satisfy other policy and design requirements. There is no substantive evidence before me to demonstrate why the proposal's smaller garden sizes would be acceptable.
14. The appellant suggests that the front garden areas would provide adequate outdoor amenity space and that privacy could be achieved by the erection of appropriate boundary treatments and landscaping. However, the Council's SPD is clear that a sufficient depth of private garden space should be provided at the rear of dwellings, which is the prevailing character of the area. I also have strong reservations about the privacy of the proposed bungalow's front garden, due to its positioning near to the secondary school. Whilst hedgerow planting would provide some partial screening, if the hedgerow were to be cut back or die off this would reduce the levels of privacy and therefore the usability of this space.

15. Due to the proposed bungalows positioning adjacent to the host dwelling and the proposed access arrangements, the proposal would attract vehicular movement generated by comings and goings associated with residential living in close proximity to No 47. The nature and scale of this activity is likely to be greater than the levels that would be associated with a subservient annex building. However, given the scale of the proposed development the amount of additional vehicular movement would be limited. Notwithstanding that, given the orientation of the properties, the layout of the front garden plots and the close positioning of the access arrangements, it is highly likely that vehicular movements would cause disturbance to the occupants of No 47 when using the front garden. To my mind, such a layout compromises the privacy and amenity value of the proposal's front garden spaces.
16. Consequently, the proposal would not provide adequate outdoor amenity space for No 47 or the proposed bungalow. For the reasons given above, this would be harmful to the living conditions of existing and future occupiers.
17. My attention has been drawn to a previous planning permission (ref: 17/01354/FUL) for three dwellings with smaller plot sizes than that proposed in this appeal case. However, the outdoor amenity space for these three dwellings is located to the rear of the properties and therefore away from the vehicular access. Whilst the gardens are small, they are private south facing gardens and would therefore receive sufficient levels of sunlight. Moreover, I do not have details of the planning history of this other development. In any event, I must determine the proposal before me on its own merits.
18. I acknowledge that smaller plot sizes are not uncommon in the local area, however, the proposal would result in gardens of a configuration and shape that is not characteristic of the local area. It would provide insufficient levels of outdoor amenity space for the reasons given above.
19. The appellant has suggested that a condition could be imposed to limit the number of parking spaces to serve the proposed bungalow to two in order to control vehicular movements. Nevertheless, due to the positioning of the proposed parking spaces and the access driveway leading to them, this would still result in vehicular movement in close proximity to the proposed front garden of No 47. For the reasons given, this would cause disturbance and a loss of privacy to the occupants of No 47 when using the front garden space.
20. The appellant refers to Permitted Development Rights as established in the Town and Country Planning (General Permitted Development) Order (as amended) under Schedule 2, regarding fencing, demolition of existing garage and creation of a new area for access and parking. Whilst these works could be undertaken as permitted development if the proposed bungalow was to remain ancillary to the host dwelling at No 47, nevertheless, such works would be controlled under one ownership and therefore the removal or repositioning of such works could be undertaken by the shared occupants. This would not be the case with the proposal before me, which would create two separate ownerships and therefore less control over land not in their ownership.
21. For the reasons given above, the proposal would unacceptably harm the living conditions of existing and future occupiers. Accordingly, the proposal would fail to accord with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2), which amongst other things, seeks to ensure sufficient space is provided within the site to accommodate the proposal

together with ancillary amenity and circulation space. The proposal would also fail to accord with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014), which amongst other things, seeks to ensure that development does not result in an adverse impact on the amenity of occupiers or nearby residents. In addition, the proposal would fail to accord with the National Planning Policy Framework (Framework) (para 130), where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

### **Other Matters**

22. The appellant indicates that the proposal would be a self-build development. Paragraph 62 of the Framework supports self-build development and I note the Council have a development plan policy that relates specifically to self-build (Policy 13 of the Local Plan Part 2). However, since there is no mechanism before me to restrict the appeal building as a self-build dwelling, I attach limited weight to this matter.
23. The existing planning permission (21/01157/FUL) remains extant and therefore represents a fallback option for the appellant. There is no evidence before me to demonstrate that the extant consent could not be implemented or would be economically unviable. Furthermore, the garden space for the annexe would be a shared area that is greater in size than the proposal, and any vehicular movements generated by the occupants of the approved annexe are more likely to be known by the occupants of the host dwelling due to the close relationship between the occupants of the two buildings. Therefore, for the reasons previously stated, the fallback option would be less harmful than the proposal before me.
24. I note that a screen has been hung on the appellant's side of the boundary fence to the neighbouring secondary school. The appellant states that this screen was hung on the fence during the construction phase, to safeguard students at the school and to screen the construction works from the school site. I have no reason to doubt their intentions. Therefore, this has had no bearing on my decision.

### **Conclusion**

25. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

*Helen Smith*

INSPECTOR