



Appeal Decision

Site visit made on 9 March 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 APRIL 2023

Appeal Ref: APP/P3040/W/22/3310064

2-4 Castlegate House, Colwick Road, West Bridgford, Nottinghamshire, NG2 5FR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Paul Buckingham, on behalf of Melton Road Properties Ltd., against Rushcliffe Borough Council.
 - The application Ref 22/01019/FUL, is dated 19 May 2022.
 - The development proposed is two storey rear extension to create two additional apartments.
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Decision

1. The appeal is dismissed and planning permission for two storey rear extension to create two additional apartments is refused.

Preliminary Matters

2. In the banner heading above, I have referred to the description of the proposed development from the application form, omitting any text unnecessary to accurately describe the scheme.
3. The Council contend that the appellant did not serve the requisite notice of the application on the other landowner(s) of the shared driveway serving the site. The appellant completed Ownership Certificate A of the application form, indicating that they were the sole owner of the appeal site. There is no evidence to indicate the appeal scheme includes works on land beyond the red line boundary of the site or outside the appellant's ownership. While the shared driveway is used to access the rear parking spaces, this is no different to the current arrangement, and the appeal proposal would constitute a reduction in its use through the loss of parking spaces within the appeal site.
4. In any event, the Council has confirmed that they notified all neighbours directly and, based on the representations received, the adjoining landowner is aware of the appeal proposal and so has not been prejudiced by this. While I cannot be certain that there are no other landowners with an interest in the shared driveway, as the appeal is to be dismissed, it is not necessary to seek further clarification on this matter.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the appeal site and surrounding area;

- Whether or not the proposed development would provide adequate living conditions for future occupiers, having particular regard to outlook and the provision of outdoor amenity space; and
- Whether or not the proposed development provides adequate car parking provision and the effect of this on highway safety.

Reasons

Character and Appearance

6. The appeal site comprises a pair of semi-detached traditional dwellings that have been converted into several flats at ground, first and second floor levels. Although it has had several later additions and alterations, the original part of the building retains much of its traditional appearance and character to the front. To the rear, the property has been considerably extended with an elongated two-storey offshoot projecting beyond the rear elevation. Despite its length, the existing rear offshoot is not as wide as the original building, and features a lower eaves and ridge height, giving it a more modest posture. It is of a simple design, finished in a plain white render, which further distinguishes it from the original building's traditional brickwork and detailing.
7. Colwick Road features a collection of similar two storey semi-detached traditional properties, evenly spaced with modest setbacks from the road. These typically benefit from generous space to the rear in the form of parking areas or private gardens. Many have single and / or two storey rear offshoots, some larger than others, though I did not observe any locally as large as the appeal proposal. The wider area is comprised of a mix of commercial and residential uses. The nearby football stadium sits at the end of Colwick Road. There is a collection of commercial units to the rear of the appeal site, and a builders merchant to the side.
8. The appeal proposal would significantly extend the existing rear offshoot, with matching eaves and ridge height and finishing materials, albeit with a more modest hipped roof design. However, combined, this would create a considerable addition, and represent an intensive version of the type of rear offshoots found locally. It would transform what is currently a large though still subservient addition, into the largest constituent part of the building. Its size would be emphasised by the consistent ridge line and finish. This would imbalance the building hierarchy and appear out of keeping with similar dwellings and extensions in the immediate vicinity. The proposal would also considerably reduce the open space to the rear of the site.
9. The appeal proposal would be considerably screened from the front by the original building and neighbouring properties. In distant views along Colwick Road, particularly from the northern end, it would therefore have little appreciable impact. However, from the junction with Radcliffe Road the upper portion of the extension would be visible above the adjacent buildings. In closer views from the front, it would also be seen in the gap between the appeal property and 6 Colwick Road (No 6), where it would erode the observable space to the rear.
10. In wider views, the proposal would be considerably screened from nearby Orston Road West by a line of evergreen trees in a neighbouring garden. Notably however, these appear to be outside of the appeal site and therefore

beyond the control of this appeal. Without this screening the proposed extension would be clearly visible from this vantage point. The proposal would also be partially visible from Radcliffe Road, albeit would benefit from some screening provided by the intervening single storey buildings and would be considerably set back. Views from Hawksworth Road to the rear are more difficult to achieve due to the intervening commercial units. Overall however, I do not consider that these factors are sufficient to mitigate the identified harm.

11. I conclude that the proposal would harm the character and appearance of the appeal site and surrounding area. It is contrary to Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (the Local Plan) which, among other provisions, seeks to ensure new development and extensions are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, density, height, massing, design, layout and materials, and do not lead to an over intensive form of development.

Living Conditions of Future Occupiers

12. The proposed flats would each be set across ground and first floor and feature their own access. Flat 2 would look toward the adjacent builders merchant site, while Flat 1 would look toward the vehicular access and the adjacent property at No 6. Both flats would also feature windows and doors on the rear facing elevation of the property. Each would have a bedroom and open plan kitchen / dining / living space at ground floor, and 2 further bedrooms at first floor.
13. The ground floor bedroom within Flat 2 would be served by a single window. The proposed extension would project further forward towards the shared boundary with the adjacent builders merchant site than the existing offshoot. Along this boundary is the tall, blank, brick elevation of the adjacent single storey building. The outlook from this bedroom would therefore be dominated by this wall, which it would face directly onto at close distance. This would have a harmful effect on the living conditions of future occupiers.
14. The ground floor open plan kitchen/dining/living space also features a window facing directly onto this adjacent wall at close distance. However, this room is also served by large windows/patio doors to the rear, where the outlook would be more open and less obstructed. The outlook from the ground floor window in Flat 1, while predominantly of the vehicular access and parking spaces, would also remain considerably open and unobstructed. I do not find that this level of outlook would be harmful to the living conditions of future occupiers.
15. Only limited details of the rear garden amenity space indicated on the proposed plans have been provided. However, the existing flats do not currently appear to benefit from any formal outdoor amenity space. The proposed amenity space would be commensurate with the provision of two flats and their urban setting. Furthermore, the evidence before me indicates there is no local standards for the amount of outdoor amenity space that should be provided for this type and scale of development.
16. I conclude that the proposal would have a harmful effect on the living conditions of future occupiers of Flat 2, with particular regard to outlook. It would therefore be contrary to Policy 1 of the Local Plan which, among other provisions, seeks to ensure sufficient space is provided within the site to accommodate the proposal, and the amenity of occupiers of the proposed development would not be detrimentally affected by existing nearby uses.

Car Parking

17. Policy 1 of the Local Plan indicates that, for new development and extensions, the provision of parking must be in accordance with advice provided by the local highway authority. Policy 11 of the Local Plan also stipulates that development on unallocated sites within the built-up area of settlements should make appropriate provision for access and parking.
18. In this instance, the local highway authority provided standing advice. This indicates that residential development of this nature should be compliant with local parking standards. Part 4.1 of the Nottinghamshire County Council Highway Design Guide sets out parking standards for districts or boroughs without their own. There is no evidence before me to indicate there are local parking standards specifically for Rushcliffe.
19. The Council have referred to the parking standards for Houses in Multiple Occupancy (HMO), with the Highway Design Guide stipulating one space should be provided per bedroom. This would require a minimum parking provision of 21 spaces in this instance. However, the evidence before me indicates that the appeal site currently contains seven 2-to-3-bedroom self-contained flats. Likewise, the application form and proposed plans indicate the proposal is for two 3-bedroom flats. It is not clear that the units would be used as HMOs.
20. The Highway Design Guide indicates that 2-to-3-bedroom dwellings (all dwelling types) should be provided with a minimum of 2 allocated parking spaces. Based on these minimum standards, the site would need to accommodate a minimum of 18 parking spaces. Justification in the form of parking demand calculations or local surveys is required for a lower level of parking provision.
21. The appeal proposal provides 7 car parking spaces, two of which are located to the front of the site and which the Council consider are inadequately sized. The Council also contend the driveway between the appeal site and the adjacent property, which would provide access to the four rear parking spaces, could be partially blocked by the landowner(s) with whom it is shared. However, even if I were to take account of all 7 car parking spaces proposed, this would still fall considerably short of the minimum standards advocated in the Highway Design Guide for either HMOs or 2-to-3-bedroom dwellings.
22. I recognise that the site is in an urban area not far from Nottingham city centre and appears to have relatively good access to a range of services, public transport and amenities. The appellant expects parking demand in this location to be relatively low. However, no parking demand calculations or local surveys have been provided to justify the lower level of provision. There is therefore no compelling evidence before me to indicate that the site's location would offset what amounts to a significant under supply of parking spaces. Poor parking provision is likely to result in additional demand for on-street parking spaces and greater conflict between road users.
23. I therefore conclude that the proposal would fail to provide adequate car parking provision, resulting in harm to highway safety. It is therefore contrary to Policies 1 and 11 of the Local Plan which, among other provisions, seek appropriate parking provision in new development, as detailed above.

Other Matters

24. My attention has been drawn to various other examples of planning permission granted for similar development locally. The full details of each of these cases are not before me and so I cannot draw any meaningful comparisons to the appeal case. The Council highlight that in at least one of these cases a Transport Statement was provided to address a shortfall in parking provision, unlike the appeal case. Furthermore, each of these sites sit within their own context and, ultimately, each case must be considered on its individual merits. This therefore does not lead me to a different conclusion on the main issues.

Conclusion

25. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed and planning permission refused.

Ryan Cowley

INSPECTOR