



Appeal Decision

Site visit made on 25 April 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2023

Appeal Ref: APP/P3040/D/23/3317238

252 Garden Lodge, Melton Road, Edwalton, Nottinghamshire NG12 4AG

- 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 Cameron McHugh against the decision of Rushcliffe Borough Council.
 - The application Ref 22/01589/FUL, dated 12 August 2022, was refused by notice dated 12 January 2023.
 - The development proposed is a two storey side and rear extension, to include new cladding and render.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted in relation to the parking layout, internal property layout and revised external materials. As the Council and third parties have not had opportunity to comment on the amended plans, I cannot be certain that their interests would not be prejudiced if I were to accept them. I have therefore determined the appeal based on the plans submitted with the application to the Council, which the views of interested parties were sought.
3. In determining this appeal involving development within a Conservation Area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of Garden Lodge and Old Edwalton House, and whether the development would preserve or enhance the character or appearance of the Edwalton Conservation Area,
 - the effect of the development on the living conditions of future occupiers, with regard to garden size, and
 - the effect of the proposed parking provision on highway safety.

Reasons

Character and Appearance

5. Garden Lodge is a modest, detached dormer bungalow, located within the grounds of Old Edwalton House. The proposed development comprises a

number of extensions and alterations, affecting all sides of the property, including the roof. Due to the size, scale, massing and design, very little of the original form of Garden Lodge would be recognisable as a result of the proposed development. Although the height of the property would remain unaltered, the scale of the works is such that they would not appear subservient to Garden Lodge.

6. Old Edwalton House is a substantial property sited, along with a number of modest properties, in a large plot. It is set back from the highway and surrounded by mature trees and vegetation. Although separated by a driveway, I observed during my site visit that Garden Lodge is within close proximity of, and viewed alongside, Old Edwalton House. Whilst noting the overall height would remain unaltered, the size, scale and massing of the proposed development is such that Garden Lodge would no longer read as a secondary, subservient property. The development would therefore detract from, and compete with, Old Edwalton House.
7. Both Garden Lodge and Old Edwalton House are located within Edwalton Conservation Area (CA). This is characterised by the old village, with 18th and 19th century vernacular buildings and listed church, and high quality, low density Victorian, Edwardian and inter-war residential development, large houses, extensive gardens and mature trees. Its significance derives from the retained village character and associated large houses, extensive gardens and mature trees. Garden Lodge and Old Edwalton House contribute positively to this significance, in terms of their siting and layout within a large plot, bordered by mature trees.
8. In terms of the effect of the proposed development on the conservation area, although the properties are discreetly located within the site and there are limited views of them, the size, scale, massing and design of the proposed development would result in a property that would no longer be subservient to Old Edwalton House. As a result, the proposed development would erode the historic layout of the site, thereby harming the character and appearance of the conservation area and, in turn, its significance.
9. The scale and massing of the proposed development would be at odds with the modest, subservient character of the neighbouring properties located to the rear of Old Edwalton House.
10. A simplified material palette has been submitted, which could be secured by condition. However, the change in materials alone is not sufficient to overcome the harm I have identified.
11. I therefore conclude that the proposed development, as a result of its size, scale, massing and design, would not be subservient to Garden Lodge and Old Edwalton House and would erode the historic layout of the site. As a result, the proposed development would fail to preserve or enhance the character or appearance of the Edwalton Conservation Area and would result in harm to the significance of the designated heritage asset.
12. As required by paragraph 199 of the National Planning Policy Framework (the Framework), great weight should be given to the conservation of designated heritage asset, irrespective of the amount of harm identified. Nevertheless, the harm to the character and appearance of the conservation area in this instance would be less than substantial.

13. Paragraph 202 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
14. No public benefits arising from the proposed development have been drawn to my attention. Given the nature of the development proposed, any such benefits would primarily be private rather than public. As a result, they would be insufficient to outweigh the great weight I must attach to the harm I have identified to the significance of the designated heritage asset.
15. For these reasons, the proposed development would be harmful to the character and appearance of Garden Lodge and Old Edwalton House and would not preserve or enhance the character and appearance of the CA. This conflicts with Policies 10 and 11(1) of the Rushcliffe Local Plan Part 1: Core Strategy 2014 (CS) and Policies 1 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies Adopted 2019 (LPP) and guidance within the National Planning Policy Framework (the Framework). Collectively, these policies and guidance document seek to ensure development has regard to local context, conserves or enhances heritage assets, is sympathetic to the character and appearance of neighbouring buildings and protects and enhances the historic environment.

Living conditions

16. The Rushcliffe Residential Design Guide Supplementary Planning Document 2009 (SPD) states that rear gardens should have a depth of 10m and an area size of 110sqm for detached properties. The figures within the SPD are flexible and, in particular, where two or more of a range of criteria are met, smaller gardens may be allowed. In this case, two of the criteria apply. The garden is private and orientated to benefit from the afternoon and evening sun and there is nearby, easily accessible, public open space.
17. Garden Lodge's existing garden is modest, with a depth below that required by the SPD. It would be reduced to allow for the proposed development, and I note there is disagreement between the two main parties regarding the size of the remaining garden area. Having regard to the lower figure quoted by the Council, which is only marginally below that required by the SPD, the width, amount and usable shape of the proposed garden would allow future occupiers to accommodate domestic items, without appearing overly cramped. Therefore, proposed development would result in a rear garden that, whilst modest, would provide sufficient and usable space to serve the size of property proposed.
18. For the reasons above, I conclude that the proposed development would not result in material harm to the living conditions of the future occupiers, with regard to garden size. The proposal therefore accords with Policy 10 of the CS and Policy 1 of the LP, and guidance within the SPD and the Framework. Collectively, these policies and guidance documents seek, amongst other things, to ensure development provides sufficient ancillary amenity space and a high standard of amenity for future users.

Parking provision

19. Garden Lodge is accessed via a shared and gated driveway from Melton Road. Melton Road is a main road with a bus route and parking restrictions.
20. The Nottingham County Council Highway Design Guide (HDG) requires a dwelling with four or more bedrooms to provide a minimum of three parking

spaces. The minimum parking provision required by the HDG remains the same, irrespective of whether four or five bedrooms are proposed.

21. Concerns were raised that two of the parking spaces are not of the required dimensions, resulting in insufficient parking provision. Based on evidence submitted and my observations during the site visit, I am satisfied there is sufficient space within the site to provide a minimum of three parking spaces of the size required. A revised parking layout could be secured by condition.
22. For the reasons above, I conclude that the proposed development would provide sufficient parking provision. The proposal therefore accords with Policy 1 of the LP and the Framework. Collectively, these policies and guidance document require parking to be provided in accordance with advice provided by the Highways Authority and avoid unacceptable impacts on highway safety.

Other Matters

23. Based on the submitted Preliminary Ecological Appraisal report dated October 2021 and a Bat Survey report dated 2022, the Council state that no protected or priority species, habitats or sites are likely to be impacted by this development. The Council suggest the relevant mitigation measures in section 5 of the Bat Survey report could be secured by condition. Based on the evidence submitted, I see no reason to form a different view.
24. I understand the Council were not offering pre-application advice. Although the Framework encourages proactive, pre-application engagement, there is no requirement for such a service to be provided by the Council. In any case, I note that there have been two previous planning applications to extend and alter Garden Lodge. Therefore, the appellant is aware of the concerns of the Council with respect to extending and altering Garden Lodge.
25. I understand the proposed development would protect the privacy and integrity of Garden Lodge and its neighbours. The Council have raised no concerns in respect to these matters and, based on the information before me, I see no reason to disagree.

Conclusion

26. For the above reasons I conclude that, while the proposal would not harm the living conditions of future occupiers and would provide sufficient parking, the harm identified to the character and appearance of Garden Lodge and Old Edwalton House and the designated heritage asset is determinative. Therefore, having had regard to the development plan, the Framework and all other matters raised, I conclude the appeal should be dismissed.

S Pearce

INSPECTOR