



Appeal Decision

Site visit made on 27 July 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/Q3060/D/23/3322564

194 Melbourne Road, Nottingham NG8 5HH

- 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 Jonathan and Pamela Gamble against the decision of Nottingham, City Council.
 - The application Ref: 22/01116/PFUL3, dated 01 June 2022, was refused by notice dated 13 April 2023.
 - The development proposed is described as 'Double storey side extension to create disabled living accommodation. Rooflights into existing and proposed roof. New driveway and dropped kerb and change to the boundary treatment. External insulation to the existing house'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellants' statement¹ suggests that the proposed boundary treatment was omitted from consideration through amended plans submitted to the Council. While I note that the scheme was amended, this appears to relate to the proposed extension only². The description of development, officer's report and decision notice all make reference to changes to boundary treatment, while the Council's questionnaire response confirms that the boundary plan³ was considered at the time of its determination of the application. I have seen no formal confirmation from either of the main parties that the scheme was amended to omit the boundary treatment from consideration. Therefore, I have considered the appeal based on the plans considered by the Council when they made their decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The surrounding area comprises semi-detached and terraced dwellings set back from their frontages on broad tree lined avenues. This layout results in a

¹ St Architecture and Design Appeal Statement – Introduction (third paragraph)

² Amended plans STA_0103_14 – Proposed Arrangement Option E – Floor Plans, and STA_0103_15 – Proposed Arrangement Option E – Elevations

³ STA_0103_08 – Proposed Arrangement Boundary detail Elevations

- degree of openness. Melbourne Road is consistent with this character and includes a tree lined central reservation. Boundaries along Melbourne Road and Ledbury Vale are generally characterised by hedges and/or low boundary walls and fences. These factors add to the area's open character.
5. The appeal dwelling is a two-storey semi-detached property of red brick and tile construction with hipped roof. The dwelling occupies a corner plot at the junction of Melbourne Road and Ledbury Vale. The dwelling is set in from the Ledbury Vale boundary with its flank elevation being consistent with the front building line of dwellings on Ledbury Vale. This is mirrored by the dwellings on the opposite side of the junction.
 6. The proposed two-storey side extension would be of similar appearance and design consistent with the host dwelling. However, it would extend forward of the established building line of properties in Ledbury Vale. This would erode the existing sense of openness of the corner plot, and would also visually imbalance the spaced character of the junction. When viewing the site along Ledbury Vale, the extension would appear prominent and at odds with the established pattern of development.
 7. The proposed fence would be positioned immediately adjacent to Ledbury Vale. The removal of the existing hedgerow and its replacement with a fence of the height proposed would also be inconsistent with the prevailing boundary treatment along Ledbury Vale. This would further compound the loss of openness.
 8. I have had regard to the other developments cited by the appellants. The development at 18 Ledbury Vale is a detached dwelling at the entrance of a small cul-de-sac, the dwelling follows the building line of Ledbury Vale and is viewed in the context of dwellings on Whetherby Close which has a less spacious character. Similarly, the development at 1 Whetherby Close, is viewed against the context of surrounding built form which differs from the appeal proposals. At 21 Ledbury Vale, the dwelling is angled to the streetscene, and the extension, which is of a different design does not project significantly beyond the Ledbury Vale building line.
 9. Those developments at Aspley Park Drive and Trentham drive are located in a different housing estate which I find has a distinctly different character and context from that of the appeal site. Therefore, I do not find these examples to be directly comparable and, in any event, I have considered the appeal on its merits.
 10. For the above reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area. Therefore, the development conflicts with Policy 10 of the Aligned Core Strategies Part 1 Local Plan (2014) (the "ACS"), and Policies DE1 and DE2 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (2020). Together, amongst other things, these require development to make a positive contribution to the sense of place, that development respects and enhance the streetscape and character of the area, and that development create attractive new spaces.

Other Matters

11. Policy 10 of the ACS states that development should be adaptable to meet changing needs of occupiers. The proposed extension is required to meet the needs of a dependant and disabled child. These are 'protected characteristics' embraced by the public sector equality duty under s149 of the Equality Act 2010. Whilst I am sympathetic to how the appeal scheme could address their needs I consider that the harm which would arise from the scheme on the character and appearance of the local area would outweigh this. For this reason, I consider that this, and any other public benefits, do not outweigh the harm that the development would cause in relation to the main issue.

Conclusion

12. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR