



Appeal Decision

Site visit made on 15 August 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/N3020/W/23/3319075

87 Weaverthorpe Road, Woodthorpe, Nottinghamshire NG5 4PU

- 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 Miss S Marshall against the decision of Gedling Borough Council.
 - The application Ref 2022/1248, dated 29 October 2022, was refused by notice dated 21 December 2022.
 - The development proposed is part demolition to host building single storey structure to form new dwelling to garden.
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Decision

1. The appeal is allowed and planning permission is granted for part demolition to host building single storey structure to form new dwelling to garden at 87 Weaverthorpe Road, Woodthorpe, Nottinghamshire NG5 4PU in accordance with the terms of the application, Ref 2022/1248, dated 29 October 2022, subject to the conditions set out in the schedule at the end of this decision.

Application for Costs

2. An application for costs was made by Miss S Marshall against Gedling Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description above has been taken from the planning application form. I have removed reference to it being a resubmission and the address of the development as these are superfluous to the description of the development itself.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site is at the end of a row of dwellings stretching from Windsor Crescent and served by Weaverthorpe Road. The row is characterised by detached dwellings set at a fairly regular distance from the highway and with limited gaps between them. The dwellings themselves are varied in their scale, form and appearance. The opposite side of Weaverthorpe Road is similarly characterised in these regards. The appeal site comprises the side garden of No 87 Weaverthorpe Road.
6. From my observations on site, and the information before me, it is clear that the gaps between properties surrounding the appeal site are varied. However,

they are predominantly narrow with a number of gaps only affording a pathway between properties. This is especially so where garages, carports or extensions further reduce the gap. The proposal would result in a gap that is physically and visually wider than many of the examples within the immediate street scene and would therefore not detrimentally affect the pattern of development along this part of Weaverthorpe Road.

7. The proposal would reduce the scale of the garden serving the host dwelling and would also provide a small garden for the proposed dwelling. However, the two resultant plots would still be similar in scale to those of nearby properties, including that at the junction with Windsor Crescent. In this way, whilst the plots would be smaller than typical, it would not be to such a degree as to be incongruous with the pattern of development. Moreover, the band of trees to the rear of the appeal site visually soften the end of the gardens, suggesting a longer plot in public views, and protecting the pattern of development in this area.
8. The building line along Weaverthorpe Road is fairly strong and follows the highway at a consistent distance. As the road bends to the front of the appeal site I find that any continuation of the building line would similarly bend to follow the road. It is clear that the proposed dwelling would not completely follow this building line, with the front of the rooms annotated Lounge and Bed 2 projecting forward of it. Although the proposed would breach the building line such a breach would be limited. This would be especially so given that the projection forward of the building line would follow the bend. As such, and given its siting at the end of the row of dwellings, I find that there would be no harm resulting from the proposal not completely following the building line.
9. The proposed new dwelling would not result in a cramped or over intensive form of development at the appeal site. It would not, therefore, harm the character and appearance of the surrounding area and would comply with Policy 10 of the Aligned Core Strategies Part 1: Local Plan and Policies LPD34, LPD35 and LPD40 of the Local Planning Document Part 2: Local Plan. These collectively, and amongst other matters, require developments to be of a high-quality design that reflects its surroundings with regard to scale, proportions, building line and overall design. Moreover, they seek to limit the loss of garden land other than where the land would be used more efficiently, and high densities are appropriate. The proposal would also comply with National Planning Policy Framework Paragraph 130 which seeks for developments to be sympathetic to the local character and built environment, and to maintain a strong sense of place.

Other Matters

10. I recognise that the Council are able to demonstrate a five-year housing land supply. However, the Government's objective is to significantly boost the supply of housing so the presence of a suitable supply does not preclude the provision of additional houses where no harm would occur.

Conditions

11. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.

12. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
13. In the interests of character and appearance, conditions are necessary requiring the submission of a landscaping scheme and the replacement of any planting that fails within five years. A further condition is also required to ensure that trees around the site are protected during the development works. A separate condition regarding boundary treatments is not necessary as this matter can be dealt with under the landscaping plan.
14. I find that it necessary to remove the permitted development rights afforded under Classes A, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015. This is in order to maintain a garden size suitable for the living conditions of future occupiers, and to prevent any unacceptable breach of the building line to the detriment of the character and appearance of the street scene. To help support and promote low emission transport options a condition requiring an electric charging point is necessary.
15. However, given the details provided and the varied character of the street scene, I do not find it necessary for a condition requiring the submission of materials to be agreed by the council. A construction emission management plan would also not be necessary given the small scale and short-lived nature of the development works.

Conclusion

16. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: 2112(08)001, 2112(08)002 Rev A, 2112(08)003 Rev A, and 2112(08)004 Rev A.
- 3) No above ground construction works shall commence on the development hereby permitted until details of soft and hard landscaping works have first been submitted to and approved in writing by the Local Planning Authority. The detailed landscape plans and particulars shall include details of any (a) planting, (b) boundary treatments, (c) surfacing, and (d) a programme of implementation. The development shall thereafter be carried out in accordance with the approved details.

- 4) Any trees or plants agreed under condition 3 which within a period of 5 years from the implementation of their first planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.
- 5) The dwelling hereby permitted shall not be occupied until an electric vehicle charging point has been provided for use by the future occupiers. The charge point must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order, with or without modification), no development falling within Schedule 2, Part 1, Classes A, D E to that Order shall be carried out in relation to the new residential development hereby permitted.
- 7) The development shall be carried out in accordance with the recommendations set out in Section 4 of the Tree Survey provided by CBE Consulting, dated 06 June 2021.