



Appeal Decision

Site visit made on 4 October 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 1st November 2023

Appeal Ref: APP/W3005/W/23/3321075

Land to the rear of 26 Main Road and fronting Smeath Road, Underwood, Nottinghamshire NG16 5GF

- 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 L Smith against the decision of Ashfield District Council.
 - The application Ref V/2022/0864, dated 24 November 2022, was refused by notice dated 22 March 2023.
 - The development proposed is a detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - if harm arises, whether this is outweighed by other material considerations.

Reasons

3. The appeal site is located within Underwood where limited development in principle is supported as part of the District's spatial strategy through policy ST3 of the Ashfield Local Plan Review ('Local Plan Review').

Character and appearance

4. 26 Main Road is a corner property. The appeal site has been created from its rear garden and addresses Smeath Road. In the vicinity of the appeal site Smeath Road is characterised by closely spaced dwellings with long rear gardens. In contrast, wide gaps would separate the proposed bungalow from the dwellings on either side and the building would be positioned with its rear elevation almost on the rear boundary of the plot. As a result, in views from the road the proposed dwelling would appear cramped within its plot and at odds with the pattern of development that characterises Smeath Road.
5. In terms of architectural features and materials, the proposed bungalow would complement other dwellings close to the start of Smeath Road. These positive findings though do not outweigh the significant adverse effect the proposed dwelling would have on the street scene by virtue of the jarring relationship it would have to its plot.
6. I recognise that a new bungalow on adjacent land to the rear of 28 Main Road has recently been granted permission by the Council and is under construction. However, this building is more comfortably set within its plot and as this

property is set back behind the appeal site it does not form a prominent part of the Smeath Road street scene.

7. The proposed development would tidy up a messy site. Given though the powers that the local planning authority has under section 215 of the Town and Country Planning Act 1990 to deal with land that adversely affects the amenity of area, this does not alter my findings in relation to this issue.
8. For the reasons given above, I therefore conclude that the proposal would cause demonstrable harm to the character and appearance of the area, contrary to policies HG5(g), ST1 (a) and (b) of the Local Plan Review and policy NP2 of the JUS-t Neighbourhood Plan. These policies require the protection of the character and appearance of a locality through high quality design that respects local design features.

Other considerations

9. The proposed development would not result in any other harm to matters of acknowledged planning importance, such as highway safety, and would provide satisfactory living conditions for future residents and neighbours. The absence of harm though is a matter of neutral rather than positive weight that weighs in favour of a proposal.
10. The proposal would have social and economic benefits. However, they would be limited: an additional unit would make little difference to the overall supply of housing, and the support that construction of the dwelling and one extra household would provide to the local economy would be insignificant.

Planning balance

11. The Local Plan Review dates from 2002 but the weight to be attached does not depend on its age. As paragraph 219 of the National Planning Policy Framework ('the Framework') makes clear, due weight should be given to existing policies according to their degree of consistency with the Framework. Amongst other matters, the Framework advises that decisions should ensure that developments are sympathetic to local character, including the surrounding built development, and are visually attractive as a result of good layout. The Framework also expects permission for development that is not well designed to be refused. Therefore the conflict between the proposal and policies HG5(g), ST1 (a) and (b) of the Local Plan Review and policy NP2 of the JUS-t Neighbourhood Plan should be given significant weight in this appeal.
12. The location of the proposed development within the settlement of Underwood complies with the spatial strategy for the District and policy ST3 of the Local Plan Review. The design of the proposal would also comply with relevant criteria of Policy HG5 of the Local Plan Review in relation to parking provision, highway safety and residential amenity. However, given the demonstrable harm that would be caused to the character and appearance of the area and conflict with policies HG5(g), ST1 (a) and (b) of the Local Plan Review and policy NP2 of the JUS-t Neighbourhood Plan, I find that the proposal would be contrary to the development plan considered as a whole.
13. The Council cannot demonstrate a five year supply of deliverable housing sites and the shortfall is significant. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed to be out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly

and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

14. The Framework sets out a presumption in favour of sustainable development and the policies of the Framework taken as a whole constitute the Government's view of what sustainable development means in practice. There are three overarching objectives to sustainable development: social, economic and environmental. As described in paragraph 9 above, the social and economic benefits associated with a single dwelling would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position.
15. Environmentally, the adverse impacts of the proposal on the character and appearance of the area are a considerable concern. The adverse impacts in this regard would significantly and demonstrably outweigh the social and economic benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Planning balance

16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Ian Radcliffe

Inspector