



Appeal Decision

Site visit made on 14 November 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/J3015/W/23/3318767

121 and Land to Rear of 123 Brookhill Street, Stapleford, Nottingham NG9 7GU

- 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 Orchard Homes Ltd against the decision of Broxtowe Borough Council.
 - The application Ref 22/00563/FUL, dated 27 June 2022, was refused by notice dated 18 October 2022.
 - The development proposed is described as 'Proposal for 5no. new dwellings and demolition of existing bungalow'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity and accuracy, I have used the site address from the appeal form and decision notice rather than the planning application form.

Main Issue

3. The main issues are:
 - The effect of the proposal on the character or appearance of the area;
 - Whether appropriate living conditions would be provided for future occupiers of the proposed dwellings and maintained for neighbouring occupants, with particular regard to privacy and noise; and
 - The effect of the proposal on highway and pedestrian safety with particular regard to the adequacy of visibility, parking and manoeuvring opportunities for vehicles.

Reasons

Character and appearance

4. The appeal site lies within a residential area comprising of semi-detached, detached and terraced houses. Properties are typically constructed of red brick with pitched roofs, although there are examples of rendered buildings in the street scene. Despite the presence of buildings of different styles, Brookhill Street is characterised by its traditional appearance.
5. I acknowledge that it is not always essential to replicate the existing design and appearance of an area, and that contemporary buildings can complement the townscape. Nonetheless, notwithstanding the use of traditional brick and

render on the external surfaces, the proposed semi-detached dwellings would have an undue prominence in the street scene. The incorporation of a large, floating box like bay window would also give the building a strong vertical emphasis that would be at odds with the horizontally emphasised window design that prevails. Furthermore, whilst a similar height to the adjoining two storey properties, and despite the attempts to break down the massing of the building through height changes, the bulky appearance and light colour of the proposed frontage properties would exacerbate their assertive contemporary appearance.

6. I acknowledge that the existing bungalow also differs from the prevailing character due to its height and position within the plot, nevertheless, it assimilates into the street scape due to its more traditional form. The flat roofed, modern design of the proposed semi-detached frontage properties, however, would be in stark contrast to the prevailing form of development on Brookhill Street.
7. Unit 1 is broadly similar in appearance to a dwelling previously permitted. Consequently, the views of the development as seen along the access between 123 (No 123) and 125 Brookhill Street (No 125) would be very similar to the permitted development. However, due to the inclusion of units 2 and 3, a much larger part of the rear of the site would be covered by building. Such dwellings would be visible from Queen Elizabeth Park (the Park) to the rear of the site and the alleyway along one side, if not readily visible from Brookhill Street. Although views from the Park would be filtered through the existing mature landscaping within it, the amount of building proposed would detract from the spacious character of the existing rear gardens resulting in a development that would appear cramped.
8. I acknowledge that there are many outbuildings within rear gardens nearby. The height, scale and massing of the proposed development would, however, be significantly greater than such buildings. The existence of rear outbuildings would not, therefore, justify further backland residential development in a location where there is no similar development.
9. The proposal would make more efficient use of the appeal site, and would be in a highly accessible location where a higher density of development would be appropriate. Furthermore, it would result in the removal of a poor-quality concrete sectional fence along the alleyway and would provide some light for its users. Nonetheless, for the above reasons, the development would not sit well with the established pattern of development of the area and would appear as an intrusive and discordant addition to the street scene to its detriment.
10. Consequently, I find that the proposal would harm the character and appearance of the area. As such, it would be contrary to Policy 10 of the Aligned Core Strategy Part 1 Local Plan (CS) and Policy 17 of the Part 2 Local Plan (LP) which seek, amongst other things, to ensure new development is designed to enhance local identity and integrates into its surroundings.

Living conditions

11. Overlooking of rear gardens is typical and accepted within most residential areas. In this case, however, due to their elevated position, the rear terraces of the proposed semi-detached dwellings would afford a view of the entire rear garden of No 123 as well as the gardens to Units 1 and 2 and the courtyards to

Unit 3. Terraces are designed to be sat on, potentially for lengthy periods of time. Consequently, there would be a greater sense of overlooking by the people utilising the terraces than arises from windows where such overlooking is likely to be occasional and fleeting. Therefore, notwithstanding the separation distance that would be achieved, the inclusion of the terraces would result in a significant loss of privacy, thereby unacceptably harming the living conditions of the occupiers of the proposed Units 1 to 3, as well as the occupiers of No 123.

12. The vehicular movements generated by the proposed three rear dwellings would be near to the private rear gardens and to ground floor windows of Nos 123 and 125. I acknowledge that the access has previously been used in association with No 123 and that the occupants of No 123 and No 125 are already affected by noise from the traffic on Brookhill Street, which I observed to be a busy road. Nonetheless, the vehicular movements associated with the proposed rear dwellings will be directly next to the rear gardens, and closer to rear windows, of Nos 123 and 125 than any other external source. The occupants of those properties will therefore be more susceptible to any additional noise and disturbance. In the absence of any technical evidence that demonstrates that the increase in traffic and associated noise and disturbance could be suitably mitigated, I consider that the living conditions of the occupants of such properties, including the enjoyment of their gardens, would be adversely and unacceptably affected.
13. Accordingly, the proposal would not provide appropriate living conditions for future occupiers or maintain appropriate living conditions for neighbouring occupants. This would be contrary to CS Policy 10 and LP Policy 17 which, amongst other things, indicate that development will be assessed in terms of its impact on, and ensures a satisfactory degree of amenity for the occupiers of new development and neighbouring properties.

Highway safety

14. The existing access entrance that would serve units 1 to 3 is situated between the side boundaries of Nos 123 and 125. The side boundary treatment to No 125 would closely flank the site access on one side, extending up to its junction. This, in addition to the front boundary treatments to Nos 123 and 125, would result in visibility on exit from the driveway being impeded. Any driver exiting from the proposed access would, therefore, have limited forewarning of any other vehicles or pedestrians travelling along Brookhill Street. My observation on site suggests that there are a steady number of vehicles that pass the appeal site along Brookhill Street, and such vehicles are travelling at moderate. Given such conditions, highway users would not be able to anticipate each other's movements and stop as appropriate. Accordingly, the impediment to visibility for vehicles exiting the site is likely to result in conflict with users of Brookhill Street, including pedestrians, to the detriment of highway safety.
15. Whilst the dimensions of the access that would serve units 1 to 3 is such that it could accommodate two vehicles travelling in opposite directions, drivers of larger vehicles may be reluctant to pass due to the limited space that would be available. The number of trips generated by the proposal, including during the peak periods, would be unlikely to result in vehicles frequently entering and leaving the site at the same time. Even so, should a vehicle have to reverse

from the proposed access on to the highway it would likely result in conflict with other users of Brookhill Street for the same reasons as outlined above. In addition, any vehicle waiting to turn into the site would disrupt the free flow of traffic on Brookhill Street which, in combination with the factors I have already identified, would be prejudicial to highway safety.

16. There is nothing before me to suggest that the proposed parking provision is inadequate in respect of the number of spaces proposed. There is, however, no robust evidence before me, such as a swept path analysis, that establishes that all of the proposed spaces could be accessed independently of the occupation of the spaces of other units. Consequently, it has not been demonstrated that sufficient parking spaces would be provided on site. Furthermore, it has not been demonstrated that emergency and commercial vehicles can access units 1 to 3 and exit the site in a forward gear. Any reversing manoeuvres of such vehicles onto Brookhill Street would be unsafe for the reasons I have already identified.
17. On my site visit I noted that Brookhill Street is largely free of parking restrictions and whilst there was some on-street parking there remained capacity in the vicinity of the appeal site. Nevertheless, my visit was a snapshot in time and not representative of on-street parking levels in the evening or at the weekend when pressure would be at its greatest. Should any of the proposed parking spaces be inaccessible at any time, that could lead to further on-street parking which would exacerbate the highway safety concerns I have identified.
18. Consequently, I conclude that the development would have an unacceptable effect on highway and pedestrian safety with particular regard to the adequacy of visibility, parking and manoeuvring opportunities for vehicles. As such it would conflict with LP Policy 17, which amongst other matters, seek to ensure adequate parking and a safe access is provided for all new development.
19. CS Policy 10 has also been referred to in the fourth reason for refusal, however as it does not relate to highway safety it is not relevant to this main issue.

Other Matters

20. I have considered all other matters raised by interested people, including construction noise and disruption, bin storage and biodiversity net gain. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
22. For the reasons given above, the appeal is dismissed.

Elaine Moulton

INSPECTOR