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# Appeal Decision

Site visit made on 19 December 2023

**by N Bromley BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> January 2024**

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**Appeal Ref: APP/Q3060/W/23/3323520**

**18 Castle Boulevard, Nottingham City, Nottingham NG7 1FL**

- 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 Mrs Billie Ragosta against the decision of Nottingham City Council.
  - The application Ref 22/01545/PFUL3, dated 5 August 2022, was refused by notice dated 8 March 2023.
  - The development proposed is the conversion of a redundant parking structure to an apartment.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

## Main Issues

3. The main issues raised by this appeal are:
  - whether or not adequate living conditions would be created for future occupants of the proposal, with reference to privacy, outlook, external space, noise, and smells; and
  - the effect of the proposed development on the character and appearance of the area.

## Reasons

4. The appeal site is located to the rear of existing buildings that front onto Castle Boulevard and Hope Drive in Nottingham City Centre and within the Nottingham Canal Conservation Area (the CA).
5. The existing single storey building to be converted is located within a triangular shaped enclosed courtyard, surrounded by tall residential buildings and their associated rear garden and yard areas. The building has pedestrian access only

from Castle Boulevard, which also provides access to the rear of other residential properties.

*Living conditions of future occupiers*

6. The proposed development would convert the single storey building into residential accommodation and internally, the proposal would comprise a bedroom, study, shower room, w/c, and an open plan dining / lounge and kitchen. A small, contained area of outdoor amenity space is also proposed.
7. The windows to the bedroom and kitchen, as well as a secondary lounge window are proposed on the front of the building and are located immediately adjacent to a walkway that provides access to the rear of a number of residential buildings that front Castle Boulevard. The juxtaposition of the walkway to the habitable windows would allow uninterrupted views into the windows and would not provide an acceptable level of privacy for the future occupiers.
8. The outlook from the kitchen and secondary lounge window would be straight onto the walkway. On the opposite side of the narrow walkway is a high boundary wall. In combination these features would result an oppressive and poor outlook from these windows. The appellant refers to the rooflights which provide the main source of light. However, these do not compensate for the deficiencies in the outlook from these windows, even accounting for the outlook from the principal window serving the lounge / diner.
9. The appellant suggests that the kitchen and secondary lounge window could be fitted with obscure glazing. Whilst this may address the issue of privacy it would not be a satisfactory solution in terms of the outlook from these windows.
10. Even though the Councils Environmental Health department did not raise objections, given the proximity of the windows to the walkway it is reasonable to conclude that the use of the walkway would give rise to high levels of noise and disturbance to future occupants. Particularly from neighbouring occupiers using the walkway to access their properties and their bin storage areas, which are incorporated into the boundary wall. The effect would be exacerbated during the summer months when the weather is warmer and at a time when future occupants may also wish to have their windows open. Furthermore, and for the same reasons as set out above, the proximity of the bins to the windows could also result in adverse odours.
11. External amenity space is provided in the form of a courtyard. Although this space is surrounded by high walls and buildings, it provides a suitable environment for sitting out and drying clothes in a high density urban context.
12. Planning permission was granted in 2006 for the conversion of a workshop to the rear of 18 Castle Boulevard to a dwelling (Council Ref. 06/01040/PFUL3). The application site for that permission was larger and had a different internal layout. Therefore, the previous permission and the appeal proposals are not directly comparable. Accordingly, I attach limited weight to the previous permission.
13. For the above reasons and on the evidence before me, whilst acceptable external space for future occupiers would be provided, adequate living conditions would not be created for future occupants of the proposal, with

reference to privacy, outlook, noise, and smells. Therefore, the development would not be in accordance with Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 (ACS) and Policy DE1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 2020 (LAPP), which together and amongst other things, require developments to provide a high standard of amenity for future occupiers.

### *Character and appearance*

14. The appeal scheme involves the conversion of an existing building and there will be no additional built form. The surrounding area is characterised by high density urban development of a comparatively significant scale. By contrast the appeal building is small and its use as residential development would have a very limited effect on the character and appearance of the site context. Thus, the appeal scheme would not give rise to overdevelopment of the site or the surrounding area.
15. The appeal site is located within the CA where there is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area; and where great weight should be given to the asset's conservation. The CA is characterised by the canal and neighbouring street network, with tall, imposing and architecturally attractive buildings fronting the surrounding streets, which comprise the main historic interest of the CA.
16. Despite the significance of Castle Boulevard to the CA, the appeal site is to the rear of the properties and the changes to the site are minimal. The Council has also raised no objections in regard to the effect of the development on the CA and I see no reason to disagree in consideration of the proposed development and the context of the site. Accordingly, the proposal would preserve the character and appearance of the CA.
17. For the reasons given above, I conclude that the proposed development would not unacceptably harm the character and appearance of the area. Therefore, the proposal would accord with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP, which together and amongst other things, seek developments to be of high urban design quality, of an appropriate density and respect the local context.

### **Other Matters**

18. There is no dispute between the parties that the Council has raised no concerns with regard to the effect of the proposed development on highways and parking, due to the highly sustainable location of the appeal site. It is also identified that the proposal would reduce carbon emissions and limit water consumption, whilst also not raising concerns related to flood risk and surface water runoff, contaminated land or pollution, and other matters. There is no evidence before me to contradict these views.
19. The appellant has raised concerns about the handling of the application by the Council, but these are not matters that are relevant to my decision and I have considered the proposed development on its planning merits.

## **Planning Balance and Conclusion**

20. The re-use of an existing building through the creation of an additional dwelling would contribute to boosting the supply of new housing, as referenced in the Framework, in a sustainable City Centre location. The proposal would also add to the size, mix and choice of housing in the area providing a good size one or two-bedroom apartment. There would also be social and economic benefits to local services during the construction and occupancy phases. However, these benefits would be limited by virtue of the proposal only adding one additional dwelling to the housing supply in the area and taken together these benefits would not outweigh the harm which I have identified.
21. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal is dismissed.

*N Bromley*

INSPECTOR