



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: 29th January 2024

Appeal Ref: APP/N3020/W/23/3315910

34 Marlborough Road, Woodthorpe, Nottinghamshire NG5 4GB

- 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. Martin Towey against the decision of Gedling Borough Council.
 - The application Ref 2022/1212, dated 13 October 2022, was refused by notice dated 2 December 2022.
 - The development proposed is two new 4 bedroom detached houses and one new 3 bed detached bungalow.
-

Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr Martin Towey against Gedling Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. The main parties have been given the opportunity to comment on this version and I have had regard to the revised Framework and the comments made by the parties in respect of the revisions, in reaching my decision.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site represents an undeveloped piece of land in between a residential bungalow, 32 Marlborough Road and a commercial building, offices of Hills Brothers builders, 34 Marlborough Road (No 34). The land levels of the site rise gently upwards from the road to the rear boundary.
6. The residential area nearby does not have any special designations, such as a Conservation Area, but it is an attractive suburban area, which is predominantly characterised by a variety of dwellings including bungalows and two-storey houses. The existing dwellings in the area are of a varying size, form and appearance and are primarily arranged in a linear pattern along the road frontage.

7. An appeal was dismissed in 2021¹ relating to an outline proposal for four dwellings on the appeal site (the previous appeal). The Inspector found that the two houses that did not front the road would conflict with the linear form of adjacent buildings fronting the road and the proposed layout would be at odds with the spatial pattern of development in the immediate area. The Inspector found this layout would be a stark contrast to the existing form, thereby having an adverse effect on its character.
8. My attention has been drawn to a recent planning permission (the recent permission) on the site for 2 new build dwellings (Ref. 2021/0747), which has been granted since the previous appeal. A lawful development certificate (LDC) has also been issued recently which secures an existing right of way over the site.
9. The development before me is for the construction of three detached dwellings, with two 2-storey dwellings fronting the road and a bungalow sited at the rear, accessed via a long driveway. The Council has not raised concerns in respect of the design and the effect of the two frontage dwellings on the character and appearance of the area. I have no substantive evidence that leads me to any different view in respect of this element of the scheme.
10. The proposed bungalow, which would have a large footprint and occupy a higher ground level, would not front the road and it would be a noticeable and stark contrast to the linear built form and prevailing pattern of development on this side of Marlborough Road. Furthermore, while I acknowledge that views of the bungalow from wider vantage points would be limited due to the backland location, it would still be visible between the gaps between existing buildings by virtue of its scale and the higher ground level. In particular it would be readily visible from the gap created by the access driveway.
11. The appellant has suggested that the recent permission also includes the provision of two garages in the same location as the proposed bungalow. I have not been provided with the approved plans. However, the scale, appearance and built form, of utilitarian, auxiliary buildings like garages and the resultant effect on the character and pattern of development in the area would likely be wholly different than the proposed bungalow.
12. The appellant has also identified that the former offices of Hills Brothers builders at No 34, has prior approval for demolition granted in 2022. It is suggested that the redevelopment is a palpable opportunity locally and demonstrates that this is not a static, preserved environment, but an evolving and adaptive residential area. However, the adjacent site does not form part of the appeal proposal and whilst that site may be redeveloped in the future, I must assess the scheme on its own merits in the here and now.
13. Examples of other development in the locality, that utilises brownfield land, have been highlighted and the appellant suggests that these developments disrupt the linear form of development within the area. While this may be the case, the examples are not comparable to the appeal scheme, and they are within a different site context.
14. Inevitably, it is the detail and specific context of any development which determines whether it is acceptable in practice. Having considered the design

¹ Appeal Ref: APP/N3020/W/20/3262309

and layout of this proposal, in particular the scale, elevation and backland position of the bungalow, I consider that there would be unacceptable harm. Given this, the examples given do not weigh in favour of the development.

15. For the reasons outlined above, I find that the proposed development would have an unacceptable effect on the character and appearance of the area. It would therefore conflict with the aims of Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 and Policy LPD 40 of the Gedling Borough Local Planning Document Part 2 2018, which together and amongst other things, seek development that reinforce valued local characteristics and is of a high standard of design that does not adversely affect the area.
16. In addition, the proposed development would fail to accord with the design objectives of the Framework, which seeks to achieve well-designed and beautiful places.

Other Matters

17. The appellant has highlighted the latest Housing Delivery Test (HDT) results, which has seen the Council's housing delivery change from 87% of its requirement over the previous three years in 2021 to 88% in the recently published figures for 2022. While there is a slight improvement in housing delivery, it remains below the 95% threshold identified within the Framework. Therefore, the Council is required to prepare an action plan to assess the causes of the under-delivery and to identify actions to increase delivery in future years.

Planning Balance and Conclusion

18. I understand that the current plot has attracted a degree of antisocial behaviour. The construction of three dwellings would redevelop the land, in an accessible urban location. The proposed development would also add to the mix of dwelling types in the area, particularly a bungalow which could be occupied by occupants requiring ground floor accommodation. The proposal would also contribute to boosting the supply of housing, utilising a smaller site of vacant, brownfield land, and could be delivered relatively quickly. The proposal would also provide social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding three dwellings to the housing supply in the area.
19. Whilst I recognise the value of reusing brownfield sites for new homes, in order for this to be effective, it should not come at the unacceptable expense of the character and appearance of the area.
20. Consequently, I conclude that the proposed development would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal is dismissed.

N Bromley

INSPECTOR