

Appeal Decision

Site visit made on 15 May 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 MAY 2024

Appeal Ref: APP/N3020/W/23/3332550

102 Nottingham Road, Burton Joyce, Nottinghamshire NG14 5AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Michael Ward against the decision of Gedling Borough Council.
 - The application Ref is 2023/0108.
 - The development proposed is for the demolition of the existing one and a half-storey dwelling/dormer bungalow and for the erection of 1 no. one and a half storey replacement dwelling and 2 no. bungalows, with associated car parking and gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline with access, appearance, layout and scale to be considered, and landscaping reserved for future determination. I have dealt with the appeal on the same basis.
3. The revised National Planning Policy Framework (Framework) was published in December 2023. In this case it does not raise any matters that require me to seek further representations from the parties and I am satisfied that no interests have been prejudiced in this regard.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect upon the living conditions of the occupiers of 102A Nottingham Road, with regard to noise and disturbance; and,
 - whether the proposal would provide satisfactory living conditions for future occupiers, with regard to noise, disturbance and outlook.

Reasons

Character and appearance

5. The appeal site relates to a detached dormer bungalow situated on the northern side of Nottingham Road. The property is set back from the road with a garden and driveway to the front and a long rectangular rear garden which includes an outbuilding. Residential properties border the site to either side and to the rear, with open fields on the other side of Nottingham Road to the south.

6. This stretch of Nottingham Road is characterised by detached bungalows of varying sizes and designs, which are located on spacious plots and set back from the road. Although there have been some small cul-de-sacs developed off Nottingham Road, the prevailing character of the area is that of properties fronting the road in a linear fashion. This provides a sense of uniformity and contributes positively to the character of the area. The mature trees and hedgerows lining the road edges and within the gardens of properties, together with the fields opposite, results in a verdant, semi-rural character.
7. The proposed replacement dwelling would broadly occupy the footprint of the existing dwelling. This siting would maintain the linear pattern of development along this stretch of Nottingham Road and it would reflect the character of the area. However, the two additional dwellings proposed would be sited in the rear garden of the host property and be accessed via a new driveway between the side of the replacement dwelling and the boundary with 102A Nottingham Road.
8. This siting a substantial distance back from Nottingham Road would be at odds with the prevailing character of this part of the road, in which dwellings are arranged in a linear way and have road frontages. Therefore, it would undermine the pattern of development on Nottingham Road and would erode one of the defining characteristics of the area. The rear dwellings would be partially visible from the public highway in the gap between the replacement dwelling and No 102A. Their siting would therefore be discordant within the street scene and from neighbouring properties and their gardens.
9. The harm arising from the siting of the rear dwellings would be exacerbated by their positioning so close to the eastern site boundary with little external space surrounding them. The uncharacteristically small gardens of these properties would not reflect the more spacious gardens of neighbouring properties, further emphasising the failure of the proposal to respect the prevailing pattern of development. I acknowledge that the number of dwellings proposed has been reduced since the previous application, but the development would still appear cramped relative to the size of the site.
10. During my site visit I saw no evidence of other such backland development in the surrounding area. Although I have had regard to the other developments referred to by the appellant, limited details have been provided and I do not know the circumstances which led to their approval. The submitted photographs suggest they have materially different surrounding contexts to the appeal site. Therefore, they are not directly comparable to the appeal proposal, which I have considered on its own merits.
11. For the above reasons I conclude that the proposal would be significantly harmful to the character and appearance of the area. Thus it would conflict with Policy 10 of the Gedling Borough Aligned Core Strategies (Local Plan Part 1) 2014 and Policies LPD 32, LPD 34, LPD 35 and LPD 40 of the Local Planning Document (Part 2 Local Plan) 2018 (LPD). Amongst other matters, these policies require development to make a positive contribution to the public realm and reflect local character. The proposal would also conflict with the Framework, including paragraph 135, which requires development to be sympathetic to local character and history, including the surrounding built environment.

Living conditions of neighbouring occupiers

12. No 102A is a detached dwelling situated immediately to the west of the site. The side wall of the neighbouring dwelling abuts the site boundary, with an obscure glazed window and a rooflight facing the site. The neighbour has a front driveway and a rear garden also adjoining the site. The boundary between the two properties consists of fencing and a hedge at the rear.
13. That part of the site adjoining the neighbouring property currently consists of a grass strip which extends from the highway and joins the garden area to the side and rear of the host property. The existing driveway is confined to the front of the house and does not adjoin the boundary with the neighbouring property.
14. In contrast the proposed driveway would extend for a considerable distance alongside the neighbouring property, including the side elevation of the dwelling itself, and run parallel to the neighbour's rear garden for much of its length. The new driveway would serve the replacement dwelling to the site frontage and the two rear dwellings. Due to its proximity the use of the driveway would be likely to result in noise and disturbance to the neighbour's property and their rear garden in particular. Such disturbance would include vehicles passing alongside the neighbour's house and rear garden, parking and manoeuvring within the site, the opening and closing of car doors and engines being left running.
15. I conclude that the proposal would be harmful to the living conditions of the occupiers of No 102A, having particular regard to noise and disturbance. The proposal would be contrary to Policy LPD 32 of the LPD, which seeks to ensure that development proposals do not have a significant adverse impact on the amenity of nearby residents or occupiers.

Living conditions of future occupiers

16. Both dwellings proposed to the rear of the site would be positioned alongside the new driveway. Plot 2 would be a single storey dwelling served by windows to the front and rear elevations and by glazed doors to the western side and a small bathroom window to the eastern side.
17. The front windows serving the living room and main bedroom would face the driveway. There would be little defensible space to the front of the unit. Vehicles accessing plot 3 would pass within very close proximity of these windows and be likely to result in some noise and disturbance to occupiers of the unit, particularly if the windows are open.
18. Those windows to the rear of plot 2 would serve the kitchen and the second bedroom. These windows would be very close to the boundary with 10 Trentham Gardens which consists of established trees and shrubbery. The kitchen would also be served by glazed doors to the side elevation which mitigates the lack of outlook from the rear kitchen window. However, the rear bedroom window would feel hemmed in and the outlook from this room would be inadequate.
19. For these reasons I conclude that plot 2 would not provide an adequate standard of accommodation for future occupiers, having particular regard to noise, disturbance and outlook, and it conflicts with Policy LPD 32 of the LPD.

Other Matters

20. While there was some support for the proposal from third parties, there were also objections. Although I note the range of other concerns raised by third parties, as I am dismissing the appeal for other reasons there is no need for me to consider these matters further.

Planning Balance

21. I have found that the appeal proposal would adversely affect the character and appearance of the area and the living conditions of the neighbouring occupiers of No 102A. It would also fail to provide satisfactory living conditions for future occupiers of Plot 2. These matters weigh significantly against the proposal.
22. I note the appellant's point that the refurbishment and adaptation of the property may not be feasible. I also acknowledge the personal circumstances set out by the appellant in relation to the needs of the family member. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. I have also had regard to rights conveyed within the Human Rights Act.
23. I sympathise with the appellant's family circumstances and acknowledge the benefits associated with the proposal. This is a material consideration to which I afford weight in the proposal's favour. However, based on the evidence before me, it has not been demonstrated that the appeal proposal is the only means of providing the new accommodation sought or that it represents the least harmful option. In this case, therefore, the PSED considerations and personal circumstances do not outweigh the significant harm to the character and appearance of the area and existing and future occupiers' living conditions.
24. It is put to me that the appeal proposal would reduce flooding issues on the site, but it is unlikely that it is the only means of addressing this issue. The appellant contends that the proposal would provide small, affordable homes. However, there is no substantive evidence before me to demonstrate that the proposed development would meet a locally identified need for affordable housing, as it is defined in the Framework, or how it would be secured as such.
25. Nevertheless, the development would contribute two additional dwellings to the Council's housing stock. It would create employment during the construction phase of the development and future occupiers would contribute to the local community and support local services. The appellant has referred to other benefits of the scheme, including those relating to improved energy efficiency and an efficient use of land. Given the modest scale of the development, I attach only limited weight to these matters. Even when taken together, the scheme benefits do not outweigh the harmful effects of the proposal.

Conclusion

26. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I therefore conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR