
Appeal Decision

Site visit made on 24 May 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS, MRTPI, MRICS

an Inspector appointed by the Secretary of State

Decision date: 05 June 2024

Appeal Ref: APP/N3020/W/24/3338360

313 Mapperley Plains, Arnold, Nottinghamshire NG3 5RG

- 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 J. Gratton-Fisher against the decision of Gedling Borough Council.
 - The application ref 2023/0294, dated 29 March 2023, was refused by notice dated 10 November 2023.
 - The development proposed is redevelopment for 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revision to the National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

Main Issues

3. The main issues are the impact of the development upon (i) the character and appearance of the area in terms of the layout, the use of external materials, and overall design, (ii) the living conditions of the occupiers of dwellings at 2, 4, 6, 8, 10, 12, 14 and 16 Linden Place in terms of outlook, and upon the occupiers of 317 Mapperley Plains in respect of privacy and (iii) the living conditions of future occupiers of the proposed dwellings in terms of outside amenity spaces, privacy and outlook.

Reasons

Character and appearance

4. The appeal site lies within a residential area and is a narrow plot of land lying between houses on Linden Place on one side, and Armfield Road on the other. It has been occupied by one dwelling with a long garden. The proposal is to redevelop the site with 3 no. four-bedroom dwellings plus a five-bedroom

dwellinghouse, all arranged in linear form along a one-sided private access road.

5. The surrounding dwellings in the vicinity of Linden Place comprise mainly substantial, modern, two-storey properties of red brick and with boundary walls and hedging to the road. Some dwellings are three storeys high. Properties on the other side to the appeal site, other than 317 Mapperley Plains, are accessed from Armfield Road, and are brick-built bungalows with small, landscaped gardens facing a private access road and the appeal site.
6. The surrounding areas, while having differently designed properties, have spacious plots which adds distinctively and positively to the overall character of the area.
7. The proposed development would introduce two-storey detached properties, where the external material would be a grey brick, contrasting with the mainly red brick of the surrounding area. I have considered that the site would be accessed from a private drive and that the dwellings would not be viewed significantly from the public domain. Nevertheless, they would be viewed from surrounding dwellings and where the proposed external materials, contrasting with the main brick colour in the area, would adversely and unacceptably affect the character and appearance of the area.
8. The appellant has referred to other developments in the area where grey external materials have been used amongst red brick-built houses. However, the external colour is not as extensively used as in this case and would not have the same impact. In any event, I have determined the appeal upon its individual merits.
9. Had all other matters been acceptable, this is an issue which could have been dealt with by way of a condition, assuming that the appellant would have been content to accept changed materials.
10. While the overall density of the proposed development would be comparable to, or according to the appellant, less than that of the surrounding area, properties 1,2 and 3 would take up most of the available width between the access road on the one side and the boundary to the site on the other. Proposed property no. 4 would take most of the available plot width between Armfield Road and its boundary on the other side. Even though the proposed development includes private amenity spaces, and notwithstanding issues of outlook and privacy, the layout has a cramped appearance. Proposed tandem parking to some of the proposed dwellings adds to the effect.
11. As the proposed dwellings would be close to the accessway, there would be limited opportunity to soften their built forms by intervening landscaping, though I accept that some such softening might be introduced over time by landscaping to their side gardens and which also adjoin the access road, albeit behind their boundaries.
12. I recognise that the proposal would make efficient use of land. However, it would not deliver good design. The latter is a matter of overriding concern.

13. I conclude that the layout would not accord with policy LPD40 of the Gedling Local Planning Document 2018(LP), or policy 10 of the Aligned Core Strategy 2014 (CS) which require proposed layouts and the use of materials to have no significant adverse impacts upon the area. It would also conflict with Chapter 12 of the Framework which requires development to be visually attractive as a result of good architecture, layout and effective landscaping. Policy LPD32, quoted by the LPA as a reason for refusal, is more appropriate in the context of the overall impact of the layout upon the occupiers of adjoining properties.

Living conditions of existing occupiers in terms of outlook and privacy

14. Proposed dwelling no. 1 would have a blank wall directly adjacent to the side elevation to No. 303 Linden Place, and which has windows in it. However, these are either secondary windows or windows to non-habitable rooms and which would reduce the impact of the proposed dwelling very significantly.
15. Proposed dwelling no. 2 would be approximately 12 to 16 metres from no. 2 Linden Place, and some 14 to 18 metres when measured from the main two-storey element of the proposed dwelling, though the impact of the proposed dwelling in terms of overlooking would be reduced to an acceptable level as the buildings would be viewed at an oblique angle and where there are intervening trees on the boundary in the control of the owners of No. 2 Linden Place.
16. Proposed dwellings 3 and 4 would face more directly the rear elevations of No.'s 6 and 8 and 14 and 16 Linden Place. The appellant considers that the distances between the facing elevation to proposed dwelling No. 3 and No. 6 Linden Place would be approximately 13 metres (or 15 metres when measured from the closest two storey section of the proposed dwelling) and approximately 17 metres from the rear elevation of NO. 8 Linden Place.
17. The rear elevation to proposed dwelling No. 4 to those of No.'s 14 and 16 Linden Place would be approximately 15 metres.
18. The proposed height of the two storey elements to the proposed dwellings would be between 8.5 and 9.4 metres, though approximately 4.2 metres tall where single story elements to the proposed properties face the dwellings in Linden Place.
19. I have no space standards adopted by the local planning authority (LPA) before me. The appellant has referred to space standards of a separate LPA, though as they do not refer to the LPA in this case, I cannot afford them any weight.
20. I have taken into account that the properties at Linden Place are taller than the proposed dwellings. Nevertheless, the latter would be viewed from ground floor and first floor windows and also from their rear amenity spaces, notwithstanding that such views would be seen through interspersed trees and hedging on the boundary line.
21. The appellant has noted that there is no objection from the owners of the adjoining care home. However, I have also considered the effect of outlook from the point of view of the existing and future residents, including during winter months when the boundary landscape screening would be less effective.

22. Similar distances would occur with regard to properties on Armfield Place where proposed development No.3 would be 18 metres from 21 and 23 Armfield Place, and where the garage to proposed dwelling No.4 would be 13.5 metres from the bungalows opposite. (18 metres from the two-storey element). However, the overlooking would be mitigated by intervening planting to be retained.
23. The appellant considers that the distances between existing and proposed dwellings as quoted above are not dissimilar to those found in surrounding developments, though the quoted examples do not all include dwellings of the same heights or alignment to each other when compared to the appeal proposal. In any event, I have determined the appeal upon its individual merits.
24. I consider that, by their closeness of the proposed dwellings No'd 3 and 4 to No's 6 and 8, and 14 and 16 Linden Place, and by their height, the living conditions of the occupiers at Linden Place would be adversely and unacceptably affected in terms of outlook. The same would occur for the future occupiers of proposed dwellings No's 3 and 4 when looking towards the dwellings opposite on Linden Place. I do not consider that the same adverse impact in terms of overlooking would result for the occupiers of the other properties on Linden Place named by the LPA and where there are not such limited distances involved between elevations.
25. In addition, the proposed development would result in overlooking, especially during winter months when there are no leaves on the trees, from the windows from bedrooms 2 and 3 of proposed dwelling No.2 over the private amenity space of No. 317 Mapperley Plains, with the window to bedroom 2 being only approximately 6 metres from the boundary with it.
26. Therefore, I conclude that the proposed development would not accord with policies LPD32 and LPD40 of the LP, or with policy 10 of the CS, all of which, amongst other things, aim to protect the amenities of nearby residents in terms of privacy and outlook. Nor would the proposed development conform with the aims of chapter 12 of the Framework which requires a high standard of amenity for existing and future users.

Outside amenity spaces, privacy and outlook

27. The external amenity spaces for the proposed dwellings are limited in relation to the size of the dwellings. However, all four dwellings would have some useable external, enclosed garden land. The LPA does not indicate that it has any outside amenity space standards. However, in my judgement, the outside amenity spaces would offer a reasonable amount of space for occupiers from the point of view of day to day activities.
28. However, the distances between the proposed properties would not be sufficient to provide adequate levels of privacy. The distance between facing elevations and habitable rooms to proposed properties 1 and 2 would be approximately 12 metres, an inadequate distance to provide privacy. In addition, the occupiers of dwelling No. 1 would directly overlook the amenity

space of dwelling No 2, even though intervening planting might mitigate the effects.

29. Furthermore, bedroom windows 3 and 4 to proposed dwelling No 3 would look out onto the wall to proposed dwelling No. 4 which would be only some 8.7 metres away, giving a very poor outlook, notwithstanding the variation introduced into the design of the wall.
30. While I have found that the amounts of amenity spaces are adequate, I have not found that they are sufficiently extensive to prevent unacceptable conditions in terms of privacy or outlook for the future occupiers of the proposed dwellings.
31. Therefore, I conclude that the proposed development would not accord with policies LPD32 or LPD40 of the LP, or with chapter 12 of the Framework, all of which aim to protect the living conditions of occupiers in terms of outlook and privacy.

Conclusion

32. I have found that the layout, the use of external materials and the overall design are not acceptable, and that there are insufficient distances to provide sufficient levels of privacy and outlook both for existing and future occupiers. While the development would make efficient use of land and there would be some social and economic benefits associated with the erection of dwellinghouses on the site, these are matters which are insufficient to override the aforementioned concerns. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR