



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: 07 JUNE 2024

Appeal Ref: APP/J3015/W/23/3331554

48 Rivergreen Crescent, Bramcote, Nottinghamshire NG9 3ET

- 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 Mrs Ruth Farnsworth against the decision of Broxtowe Borough Council.
 - The application Ref is 23/00577/OUT.
 - The development proposed is new 3 bed bungalow.
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Decision

1. The appeal is allowed and outline planning permission is granted for 3 bed bungalow at 48 Rivergreen Crescent, Bramcote, Nottinghamshire NG9 3ET in accordance with the terms of the application, Ref 23/00577/OUT, subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Mrs Ruth Farnsworth against Broxtowe Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with all matters reserved except for access. As such, I have regarded all elements of the drawings submitted as indicative apart from the access details.
4. The appellant submitted a Flood Risk Assessment (FRA) with the appeal. The Council had the opportunity to respond to the FRA as part of its evidence, albeit that it has not commented on the content of the report. I have taken the FRA into account in my decision.
5. The revised National Planning Policy Framework (the Framework) was published following the determination of the application. Both main parties had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

6. The main issues are:
 - the effect of the development proposed on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 50 Rivergreen Crescent, with regard to noise and disturbance; and,

- whether the proposal would be in a suitable location, with particular regard to flood risk.

Reasons

Character and appearance

7. The appeal site relates to a two-storey detached dwelling situated on the northern side of Rivergreen Crescent. The property is set back from the road with a driveway to the front and a large and irregularly shaped garden to the rear. The garden sits at a slightly lower level than the house and is bounded by fences with mature trees and shrubs on the western boundary. Residential properties border the site to either side and to the rear on Finsbury Road.
8. The surrounding area is of established residential character. Although there is a mix of house types and sizes, Rivergreen Crescent is characterised predominantly by two storey detached dwellings. Properties are generally situated on large plots which results in a sense of spaciousness which contributes to the character of the area. While the prevailing pattern of development is that of properties following linear building lines, there are examples of cul-de-sacs nearby which form part of the variation in the built form of the surrounding area.
9. The proposal is a three-bedroom bungalow within the rear garden of the host property. It would be served by a new driveway to the western side of the site which would be formed by demolishing the existing extension to the side of the host property. A new garage is also proposed to the rear.
10. Due to its siting at the rear of the host property the proposed dwelling would not have a street presence in the way that other properties along Rivergreen Crescent do. Although the new dwelling could be described as a backland form of development, there are cul-de-sacs within proximity of the site and dwellings stand to the rear of the host property on Finsbury Road and Grangewood Road. Therefore, the proposal cannot be discounted as being entirely uncharacteristic of the area.
11. Given its position at the rear of the host property and the distance away from the public highway, together with the single storey nature of the proposed dwelling, it would not be prominent or visually intrusive in the street scene. It is only the proposed access that would be clearly visible from Rivergreen Crescent and this would not be a discordant element in the street scene. The illustrative plans indicate the orientation of the new dwelling running parallel to the road which to some extent would maintain the pattern of development in the area. Moreover, no local policies have been drawn to my attention that specifically resist the type of development proposed here.
12. Whilst details of layout, scale and appearance are not before me for consideration, the size of the plot is such that it might comfortably accommodate a dwelling in this location without undue effects to the spacious character of the area. It is sufficiently large to provide a dwelling that would sit comfortably within the plot with garden areas around it, while retaining sufficient external space for the host property, as indicated on the illustrative block plan. Therefore, the overall characteristic of the detached dwellings would still be one of spaciousness.

13. For these reasons I find that the development proposed would not be harmful to the character and appearance of the area. It complies with Policy 10 of the Broxtowe Aligned Core Strategy (ACS) and Policy 17 of the Broxtowe Part 2 Local Plan (LP). These policies, amongst other matters, require the protection of the character and appearance of a locality through high quality design that integrates with its surroundings.

Living conditions

14. The neighbouring property immediately to the west of the site, 50 Rivergreen Crescent, is a two-storey detached dwelling. It consists of a blank side elevation facing the site, a single storey rear extension close to the boundary with the site, and a rear garden. The driveway serving the new dwelling would run alongside the boundary with No 50 and would adjoin both the neighbouring house and its rear garden.
15. I accept that the development would introduce additional vehicle movements and pedestrian activity to the side and rear of the neighbouring property. However, the number of vehicle and pedestrian movements associated with the development would be unlikely, given its scale, to result in a significant nuisance to the neighbouring occupiers in terms of noise, disturbance or fumes. Furthermore, I note that there is an existing driveway to the side of the host property, albeit this serves the existing property only. In addition, the fencing on the side boundary between the two properties would be likely to reduce noise and disturbance to No 50 and its rear garden.
16. Overall, with the likely low volume of vehicles and pedestrians using the proposed access I do not consider that the proposal would result in unacceptable noise or disturbance. Accordingly, the development would not unacceptably affect the living conditions of the occupiers of No 50. It therefore complies with Policy 10 of the ACS and Policy 17 of the LP, which amongst other matters, seek to secure satisfactory residential amenity.

Flood risk

17. The submitted FRA identifies that the site is within Flood Zone 1, where there is a low risk of main river fluvial flooding, though parts of the rear garden are at risk of surface water flooding. I note that there is a storm drain outside of the site boundary to the northwest and there is also a culvert within proximity of the site. While there have been incidences of localised flooding in the area during periods of heavy rain, the evidence before me indicates that the appeal site itself has not flooded for a considerable time.
18. The FRA concludes that the proposal would not present a significant increase in flood risk for the site or for offsite areas. It makes a number of recommendations, including that the finished floor level of the new dwelling be set to match the finished floor level of the existing property in order to provide sufficient protection against all anticipated flood events.
19. Although the proposal would result in new hard surfaces, those parts of the site that would not be built on, including the garden areas, would allow for some absorption of surface water and some of the new hard surfaces would be likely to be permeable. The FRA anticipates that the remaining external areas of the site could be used to provide compensatory flood plain storage to ensure that there is no increase in flood risk to offsite areas.

20. Therefore, based on the evidence before me, and subject to the recommendations contained in the FRA, I find that the site is a suitable location for the development, having particular regard to flood risk. Accordingly, there would be no conflict with Policy 1 of the LP, which seeks to direct development to areas at lower probability of flooding and minimise flood risk.

Other Matters

21. A number of other issues have been raised by interested parties which do not form part of the Council's reasons for refusal. Whilst I have taken these matters into consideration neither alone nor in combination do they amount to a reason to dismiss the appeal. Given that the proposal is in outline form, precise details of the new dwelling, including its siting, layout and orientation, are not before me for consideration. However, on the basis of the size of the plot, and the likely spacing between the proposal and the neighbouring properties, I consider that a satisfactory layout and scale of development could be accommodated within the site which would protect the living conditions of occupiers of the development and neighbouring occupiers. There is no substantive evidence before me to suggest that the proposal would be harmful to highway safety or protected species. The protection of the mature trees on the site boundaries can be secured by means of a condition.

Conditions

22. I have had regard to the conditions suggested by the Council which I have considered in light of government guidance. Conditions specifying the time limit for submission of the reserved matters and commencement of the development, are necessary to provide certainty. In addition, a condition requiring the development to be carried out in accordance with the approved plans and Flood Risk Assessment is necessary, for the avoidance of doubt and in the interests of proper planning.
23. In the interests of the character and appearance of the area and to ensure a satisfactory visual relationship to neighbouring properties, a condition limiting the dwelling to a single storey is necessary and reflects the description of development and the permission that has been applied for. While the Council has suggested a condition to restrict the floor area of the new dwelling, I do not consider there to be sufficient justification for such a condition given that matters of layout and scale would be dealt with at the reserved matters stage.
24. A condition requiring any development or operations to be undertaken in accordance with an approved tree protection plan is necessary to protect the character and appearance of the area.
25. Finally, a condition requiring the submission and approval of a surface water drainage scheme has been imposed to protect the living conditions of future and neighbouring occupiers.

Conclusion

26. I conclude that the appeal should be allowed subject to the conditions below.

M Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission, and the development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan TQRQM23223153528454, Existing and Proposed Block Plan, and Flood Risk Assessment ref. 23-291, dated 22 November 2023.
- 4) The height of the dwelling hereby approved shall not exceed that of a single storey building.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved and the protection shall remain in place until all work is complete on site.
- 6) Prior to the commencement of the development hereby permitted, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the occupation of the dwelling hereby approved.