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# Appeal Decision

Site visit made on 29 May 2024

**by S Ashworth BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 JUNE 2024**

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**Appeal Ref: APP/Q3060/W/24/3337832**

**Woodman's Cottage, Strelley Road, Nottingham NG8 6PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Phil Smith against City of Nottingham Council.
  - The application Ref 23/01547/PFUL3 (PP-12378872), is dated 14 August 2023.
  - The development proposed is construct new detached domestic garage.
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## Decision

1. The appeal is allowed and planning permission is granted for a new detached domestic garage at Woodman's Cottage, Strelley Road, Nottingham NG8 6PB in accordance with the terms of application ref: 23/01547/PFUL3 (PP-12378872), dated 14 August 2023 and subject to the following conditions:
  1. The development hereby approved shall be started within 3 years of the date of this permission.
  2. The development hereby approved shall be carried out in accordance with the details shown on plan numbers JG/PS/2023/067/01 Rev A and Site Location Plan 1:1250.
  3. Unless the Local Planning Authority has otherwise agreed in writing to the use of alternative materials, the walls and roof of the garage hereby permitted shall be constructed of bricks and roof tiles of a colour, size, texture and pattern/bond to match those used in the existing building.

## Preliminary Matters

2. The planning application for the proposal was not determined by the Council within the prescribed period, although it was subsequently resolved to refuse planning permission for it. The reasons for this are set out in an officer report and I have had regard to this report in determining the appeal.
3. The site lies within the designated Green Belt. However, the Council has raised no objection to the proposal in terms of Green Belt policy. Having had regard to the provisions of the National Planning Policy Framework, and in the absence of any evidence to the contrary, I am satisfied that the proposal does not constitute inappropriate development in the Green Belt.
4. The site also lies within the Strelley Village Conservation Area. S.72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

requires that with respect of any buildings or other land within a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **Main Issues**

5. On that basis, the main issue in this case is whether the proposal would preserve or enhance the character or appearance of the Strelley Conservation Area.

## **Reasons**

6. The Strelley Conservation Area (the conservation area) covers a wide area incorporating Strelley Hall, which lies within a neighbouring local authority, and its associated parkland. The significance of the conservation area as a designated heritage asset lies primarily in its history as well as in its well-preserved architecture and its open rural character. Around the appeal site is a limited amount of built development which is set out in a generally linear format. The modest scale and height of the domestic buildings and the consistent use of red brick and tiles as external building materials make a significant contribution to the character of the area. Properties are generally set back behind a grass verge which, in the vicinity of the appeal site is relatively wide.
7. The appeal site lies at the far eastern edge of the conservation area at a substantial road junction. Unlike other properties in the row the house, Woodman's Cottage, is set at an angle to the junction rather than directly facing Strelley Road. It is largely concealed from view by boundary vegetation and fencing although there are glimpses of it, and of existing outbuildings, from within the public realm. There is some disagreement between the parties as to the age of the property but nevertheless, given its appearance, external materials and detailing, and the space around it, the property makes a positive contribution to the character and appearance of the conservation area.
8. The proposed garage would occupy the site of an existing temporary car port. It would project forward of both the corner of the Woodman's Cottage and the outbuildings to the neighbouring property, which are not insubstantial, towards Strelley Road. Nevertheless, the garage would be screened to an extent by the existing vegetation which would reduce its prominence, and the wide grass verge would mean that it would be set back a distance from the carriageway. Moreover, the use of traditional materials to match those of the house and buildings in the wider area, coupled with the modest height, scale and traditional appearance of the building including its window and door detailing, would mean that the garage would reflect the appearance of other built development and would not therefore be incongruous in the street scene.
9. I noted at my site visit that within the conservation area there is moderate consistency in terms of the positions of outbuildings relative to their host properties although generally they are subservient buildings in terms of their scale and appearance. The proposal would reflect that relationship. The garage would be positioned at an angle to the road, which would reduce its apparent bulk, and which moreover would also reinforce the particular character of this

corner plot. Accordingly, whilst the structure would be set slightly forward of the building line I am unconvinced it would set an undesirable precedent.

10. For these reasons the proposal would preserve the character of the conservation area and as such would meet the statutory tests as set out in the Act. In addition, for the same reason, the proposal would comply with Policies 10 and 11 of the ACS<sup>1</sup> which amongst other things and in various ways require development to make a positive contribution to the public realm and to a sense of place, reinforce local characteristics and conserve and/or enhance the historic environment in line with its interest and significance. It would also comply with the requirements of Policies DE1, DE2 and HE1 of the LAPP<sup>2</sup> which require, amongst other things, development to respect and enhance the streetscape, and the character of the area in particular with regard to such matters as established scale, massing and rhythm; ensure streets and spaces are well defined with buildings appropriately designed and positioned; reinforce and enhance positive characteristics and conserve or enhance the historic environment in line with its significance.

### *Conditions*

11. In the event of the appeal being allowed the Council has suggested two conditions. It is necessary, in the interests of proper planning and to provide certainty, to impose the standard time condition and specify the approved plans. In addition, in order to preserve the appearance of the conservation area, a condition requiring the external materials to match those of the dwelling, is also necessary.

### **Conclusion**

12. For the reasons set out above, and taking into account all other matters raised, the appeal is allowed and planning permission is granted subject to conditions.

*S Ashworth*

INSPECTOR

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<sup>1</sup> Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy Part 1 Local Plan 2014

<sup>2</sup> Nottingham City Land and Planning Policies Development Plan Document 2020