



Appeal Decision

Site visit made on 8 July 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/W3005/W/24/3341303

Rear of 10 Annesley Road, Hucknall, Nottinghamshire NG15 7DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gaunt against the decision of Ashfield District Council.
 - The application Ref is V/2023/0616.
 - The development proposed is conversion of commercial unit to 5 no. self contained units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above, and in the Council's refusal notice, refer to a single commercial unit. However, the existing plans submitted show there are two extant buildings on the appeal site: one larger with a rectangular footprint, the other smaller unit, sited to the rear of the plot with an L-shaped footprint. These plans correspond with what I saw on site. The proposed plans clearly show alterations to these two separate units and I have considered the appeal on this basis.
3. The appellant has indicated a willingness to amend the proposed site layout and access plans to remove the car parking spaces, and to remove the proposed single storey extension. However, the appeal process should not be used to advance a scheme. If the appellant considers that amending the proposals would overcome the concerns of the Council, a fresh planning application should be submitted.

Main Issue

4. The main issues are:
 - the effect of the proposed development on the living conditions of future occupiers, with regard to outlook, light, noise and disturbance, and quality of outdoor space; and
 - the effect of the proposed parking arrangements on highway safety.

Reasons

Living Conditions

5. The appeal site comprises a narrow plot located on Allen Street, a narrow cul-de-sac serving a mixture of residential and commercial uses. To one side of the

appeal site, beyond a side access, is a large portal-frame building used as a car repairs garage (No 10); to the other, a short terrace of two-storey dwellings. The flank wall and small rear yard of the end-of-terrace property (No 2A) is separated from the appeal site by a stone wall and narrow walkway. While to the rear of the appeal site, beyond a high stone wall, are the rear gardens and mature trees associated with dwellings fronting Montague Road.

6. The appeal site contains two vacant and dilapidated former bakery buildings set back from Allen Street by an open frontage parking area. The larger building has a rectangular footprint that extends rearwards from the parking area, is 1.5 storey with an asymmetrical roof incorporating front and rear flat roof projections which have partially collapsed. Behind this and towards the rear of the plot is a smaller single storey building with an L-shaped footprint. Both appeal buildings are lower in height than the buildings to either side.
7. The proposal would involve conversion of the larger building into three ground floor studio flats (Studios 1 – 3) and a one-bedroom flat above (Flat 1). The smaller building would be extended and converted into a two-bedroom dwelling (Flat 2). Studios 1 – 3 and Flat 1 would have front doors off the access track adjacent to No 10, Flat 2 would have a front door at the end of the access track. Studio 1 would have a window onto Allen Street, while Studio 2 and 3 would be served by windows within the side elevations of the larger building. The bedroom within Flat 1 would face towards Allen Street, otherwise this unit would be served with a series of roof lights and kitchen window facing the roof slope of Flat 2.
8. The proposed layout of Studios 1 – 3 means that the open plan kitchen, living and bedroom areas would be served by windows on more than one elevation. However, with the exception of Studio 1, which would have a window facing Allen Street the windows are either relatively small, serve kitchen or bathroom spaces. The windows that do serve the main living areas would face directly onto either Flat 2, No 10 or the boundary of No 2A. Moreover, other than in the side elevations, all of the windows are relatively small. It is unclear whether the separation distances in the Council's Residential Design Guide Supplementary Planning Document (2014) (RDGSPD) relates to ground floor windows. In any case, from my own observations on site, with the exception of the windows fronting Allen Street, the location of the proposed windows within Studios 1 – 3 would offer a bleak and limited outlook.
9. Furthermore, due to the close proximity, the tall rear elevation of No 10 would be likely to overshadow and restrict light to the rooms that are served by windows which face towards it. In addition, the mature trees within gardens to the rear would further restrict light to these windows. Flat 1 would be served mainly by rooflights that would be angled towards the rear wall of No 10. The larger window in the kitchen area would look onto the sloping roof slope of Flat 2. Considering the proximity of other buildings and the proposed layout, the main living space for Flat 2 would also lack meaningful outlook and would feel dark and oppressive.
10. Based on the plans refused by the Council, the proposed outdoor amenity space would consist solely of bin and bikes stores and narrow walkways around the buildings. There is no dispute between the main parties that the amount of outdoor amenity space proposed would fall short of the guidance set out in the RDGSPD. Thus what outdoor space there is available to the future occupiers of

the proposed development would be primarily used for access and function, rather than of any meaningful amenity value, such as to hang washing out or to sit outdoors. Furthermore, the quality of the space would further be diminished by virtue of the same overbearing and overshadowing impacts identified above. Despite there being public open space nearby and the intentions of the appellant to improve the surfaces and levels of the space around the building, the outdoor space would be of extremely poor quality and fail to mitigate for or justify the poor quality outlook and light for future occupiers already identified.

11. When in use, the car repairs garage at No 10 contains open fronted bays facing towards Annesley Road. There is the potential that operational noise emanating from this building would be audible from within the future dwellings. The appellant has advised that the wall construction and opening hours of No 10 alongside the proposed fence would ensure that noise levels would not be unsatisfactory. However, in the absence of a noise survey which demonstrates how peak noise levels would be experienced from within the proposed dwellings, I cannot be certain that noise levels would be acceptable or in the event that they would not, could be suitably mitigated. Thus, there is a likelihood that future occupiers of the proposed development could be subjected to noise and disturbance associated with the neighbouring use and activity.
12. Drawing all of the above together, I conclude that the proposed development would cause harm to the living conditions of future occupiers, in respect of outlook, light, noise and disturbance, and the poor quality of outdoor space. The proposed development would be contrary to Policies ST1 and HG8 of the Ashfield Local Plan Review (2002) (LP) which requires development to not adversely affect amenity and to make adequate provision for private gardens. There would also be conflict with National Planning Policy Framework (The Framework) which requires a high standard of amenity for future users and seeks to prevent new development from being adversely affected by unacceptable levels of noise pollution. The proposed development would also fail to accord with guidance set out in the RDGSPD in relation to outdoor amenity space.

Parking and Highway Safety

13. I observed on my site visit that on street parking spaces in the vicinity of the appeal site is limited and indiscriminate parking occurs along Allen Street, including in its turning head. The ability to park on street is partly restricted by the presence of double and single yellow lines with parking restrictions also in place on nearby Annesley Road. The existing hardstanding to the front of the appeal site was likely used for parking in association with its former use.
14. The plans show the provision of two car parking spaces onto the open frontage area of the appeal site. The proposed site layout and access plan shows two cars parked staggered and sideways onto Allen Street. Therefore, it would require manoeuvring along Allen Street and its turning head to enable positioning two cars onto the appeal site. The Council state that one of the spaces would likely encroach into the highway. While the proposed plans show both cars can fit, the plans show cars would have to be parked tightly together and opening the driver side door of one car might be impinged if the second was parked.

15. Notwithstanding the appellant has indicated they would be willing to provide no off-street parking, even with the two parking spaces proposed, the provision would fall short of the 6 spaces recommended in the Council's Residential Car Parking Standards Supplementary Planning Document (2014) (RCPSSPD). Furthermore, there would be no provision for visitor parking spaces as recommended by the highways authority. The RCPSSPD advises that if the standards cannot be met, that the exception is fully justified.
16. I note the close proximity of Hucknall town centre and its associated shops and services, including public transport links and the appellants intention to install cycle parking. However, even if future residents of the proposed development would be able to access services and facilities on foot, this does not necessarily indicate that they would not own cars or want to park them on or near the appeal site. The appeal site could be brought back into commercial use and parking and vehicle movements associated with that use could return. While the appellant has stated the appeal site would more likely remain vacant given the cost of repairs, I am not certain that a commercial use would be likely to generate the volume of cars and associated movements to the area as the introduction of five separate dwellings. The evidence, does not, therefore, indicate that lower parking standards should be applied.
17. The provision of five additional units in the area would therefore likely increase on-street parking pressures in an area where there is already a shortage of parking and where indiscriminate parking is an issue. Should the existing parking situation be exacerbated, it could result in parking in hazardous locations that either impede vehicle movements or visibility and that would be detrimental to highway safety.
18. I conclude that the proposed parking arrangements would have a harmful, unacceptable impact on highway safety and be contrary to Policy ST1 of the LP which requires development to not adversely affect highway safety or the capacity of the transport system. There would also be conflict with the Framework which indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, as in this case. The proposal would also be contrary to the guidance on parking standards set out in the RCPSSPD.

Other Matters

19. My attention has been drawn to other developments that have been approved by the Council which do not meet their standards in relation to levels of parking or outdoor amenity space. From the limited details provided, with the exception of 'application V/2022/0292', they are on streets further away that do not directly comparable in terms of the site-specific circumstances. In relation to 'application V/2022/0292' which is on the corner of Allen Street, the appellant suggests that the Council gave weight to the positive outcomes of the development in reaching their decision. Even so, I have considered this appeal on its own merits.
20. The appellant suggests that the Council gave planning permission for the adjacent car garage with no appreciation of how appeal the site might be developed in the future. They have also made representations relating to the Council's handling of the planning application and alleged lack of engagement with regards to negotiation and the submission amended plans. Whilst noting

the appellant's frustration in this regard, I have determined the appeal based on the plans and evidence before me in accordance with the development plan.

Planning Balance and Conclusion

21. The proposal would see the site brought back into use and the provision of five dwellings that would contribute to boosting the supply of housing. Those dwellings would be located close to a range of services and facilities, contributing to the choice of size and mix of homes on the market, including those with 'mixed abilities' and on lower incomes. However, for the reasons outlined, those dwellings would fail to provide a quality standard of accommodation but rather would harm the living conditions of future occupiers. There would also be unacceptable harm in respect of highway safety. On balance, even cumulatively, the benefits of the proposed development would not outweigh nor justify the harms identified.
22. For the reasons given, the proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

H Marriott

INSPECTOR