



Appeal Decision

Site visit made on 28 June 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/P3040/W/23/3331860

99 Melton Road, West Bridgford, Nottinghamshire NG2 6ET

- 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 P & J Properties Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/01369/FUL.
 - The development proposed is the erection of a single storey one bedroom dwelling to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey one bedroom dwelling to the rear at 99 Melton Road, West Bridgford, Nottinghamshire NG2 6ET in accordance with the terms of the application, Ref 23/01369/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The appellant's description of development refers to the proposal being an apartment. It is however clear that the development is for a dwellinghouse as opposed to an apartment. I have therefore amended this part of the description of development.

Main Issues

3. The main issues are 1) the effect of the proposed development on the character and appearance of the area, and 2) whether or not the proposed development would provide acceptable living conditions for future occupants with specific regard to amenity space provision.

Reasons

Character and appearance

4. The appeal site is located to the rear of 99 Melton Road which is a two-storey end of terrace property with commercial use on the ground and first floor. The property has an existing two-storey outrigger. Melton Road is a relatively busy street with several commercial units akin to a local centre. There are also a number of residential properties, including above the commercial units. The streets to the rear of Melton Road predominantly comprise residential properties.

5. Although the proposed dwelling would be to the rear of the Melton Road property, it would be very much part of the Portland Road street-scene. Portland Road is predominantly made up of short terraces of residential properties, although the area immediately around the appeal site contains a broader range of buildings including garages and outbuildings. The appeal site currently contains a poor-quality prefabricated garage and a metal garage. These structures do not make a positive contribution to the character and appearance of the area.
6. The proposed dwelling would be attached to the rear outrigger although it is very much of its own design. One half of the proposal adopts a sloping roof of a similar profile and overall height to that of the single storey extension to the adjacent property. The other half of the dwelling would be flat roofed. The external materials would include standing seam wall and roof, western red cedar horizontal open rainscreen cladding, and limestone white render. The combination of these materials would give the dwelling a modern contemporary appearance.
7. The overall design of the dwelling would not be in keeping with the existing traditional residential properties elsewhere on Portland Road. It would, however, be sited in an area where I have identified contains a variety of building sizes and designs. There would be a clear separation with the more traditional properties of Portland Road and the development would very much be viewed in its own right. It would also result in the removal of somewhat unsightly outbuildings, particularly the prefabricated garage which is in a poor condition and adversely impacts upon the character and appearance of the area. I therefore find that the design approach would not cause harm.
8. The dwelling would be set slightly forward of the building line of Portland Road, and the side elevation of 99 Melton Road, however the distance is not substantial and a reasonable set-back from the highway would be retained. The dwelling would also be sited amongst existing two-storey and single storey buildings and outbuildings of various sizes. In this context, there would not be harm caused due to its scale or mass. For these same reasons, and given the relatively dense surrounding built environment, it would not appear cramped. The use of the site for a single storey one-bedroom dwelling would also not be an over-intensive form of development on this site which is both close to the busy Melton Road and its commercial properties, and also the larger residential properties on Portland Road.
9. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would comply with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1 and 11 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). Collectively, these policies require that development is of a high standard of design having regard to the character and appearance of the area.
10. It would also comply with the requirement of the National Planning Policy Framework (2023) (the Framework) that planning decisions should ensure developments add to the overall quality of the area.

Living conditions

11. The proposed dwelling would be a one-bedroom property. It would include an area of amenity space measuring 20 sqm. This provision would be below the

amount specified in the Residential Design Guide (2009), which outlines that for one-bedroom dwellings 55 sqm of private amenity space should be provided.

12. The Design Guide does however, accept that, in line with Government Guidance, a variety of housing is required, and this should include a variety of garden sizes too. In this case, the property would be unlikely to be occupied by more than one person. The provision of appropriately sized amenity space would not be as significant as if the development was for the provision of family housing. That said, although there is a deficiency, the size of amenity space that would be provided is not wholly unacceptable and would be similar, or most likely greater, in size to the amenity space that would be provided for a flat or apartment of an equivalent size.
13. Although it is less than the amount as set out in the Design Guide, the amenity space that would be provided would be of a size that would enable outdoor seating and accommodate some planters, and would allow future occupants the opportunity to enjoy an area of private outdoor space. In addressing the deficiency, the appellant has also set out the range of open spaces and leisure facilities in close proximity to the appeal site.
14. I therefore conclude that despite the conflict with the Design Guide, the proposed development would provide acceptable living conditions for future occupants. It would comply with Policies 1 and 11 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). Collectively, these policies require that development provides acceptable levels of amenity.
15. It would also comply with the requirement of the Framework that developments seek to ensure a high standard of amenity for future users.

Other Matters

16. The Council have referred to the Technical housing standards – nationally described space standard, and outline that the proposal would only meet the minimum requirement. The Framework recommends that planning policies may make use of these standards, however, I am not aware of these standards being incorporated within the Council's adopted policies. It is nevertheless a material consideration and given that the development would comply with the standard, this would not be a reason to dismiss the appeal.
17. The proposed development would align with the Government's objective, as set out in the Framework, to support sustainable housing growth. The proposed development would result in a small increase in the Council's overall housing number and would bring a small number of additional residents to the area who would contribute to the local economy. It would also be in a sustainable location. Collectively, these matters weigh in favour of the proposed development.

Conditions

18. In addition to the standard time limit condition, I have imposed conditions requiring the development to be carried out in accordance with the approved plans, using the materials as specified. This is in the interests of certainty.
19. In the interests of the character and appearance of the area and the living conditions of surrounding residents, conditions which remove permitted

development rights are necessary. Also in the interests of the character and appearance of the area, and highway safety, a condition requiring removal of the existing vehicular crossing is necessary.

20. In the interests of sustainability, a condition relating to water efficiency is necessary. In the interests of ensuring development is not at risk from flooding, a condition requiring the implementation of the mitigation measures as outlined in the Flood Risk Assessment is necessary. A condition relating to construction hours is necessary in the interests of the living conditions of surrounding residents.
21. The development does not provide any vehicular parking. It is not therefore necessary to secure the provision of electrical vehicular charging points in this instance.

Conclusion

22. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no. AA-601-001D Plans and Elevations.
- 3) The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.
- 4) Notwithstanding the provisions of Schedule 2 Part 1 Class A, B , C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement or any other alteration shall be carried out to the dwelling, no roof enlargements or alterations to the roof, no porches and no outbuildings or other structures shall be erected within the curtilage of the dwelling hereby permitted without express planning permission from the local planning authority.
- 5) Notwithstanding the provisions of Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2020 (or any order revoking and/or re-enacting that Order) no enlargement or any other alteration shall be carried out to the dwellings hereby permitted without express planning permission from the local planning authority.
- 6) The dwelling hereby permitted must not be occupied until the optional requirement for water efficiency (i.e: not exceeding 110 litres per person

- per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 (as amended) (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of the dwelling.
- 7) The approved dwelling shall not be occupied until the existing vehicular footway crossing that has been made redundant as a result of the development has been removed, and has been reinstated to footway/parking bay, in accordance with the highway authority specification to the satisfaction of the local planning authority.
 - 8) Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays, and between 0800 and 1300 on Saturdays. No demolition or construction works shall take place at any time on Sundays or on Bank or Public Holidays.
 - 9) The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment for proposed new dwelling on land to side/rear of the Tall Frog Deli, 99 Melton Road, West Bridgford NG2 6ET, March 2018, Revision A, 02/02/2023) and the following mitigation measures it details: Finished floor levels shall be set no lower than 25.1 metres above Ordnance Datum (AOD) Flood resilience techniques to be included in accordance with 'Improving the flood performance of new dwellings' CLG (2007) as described on pages 9 and 10 of the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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