



Appeal Decision

Site visit made on 1 August 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/J3015/D/24/3344696

153 Nottingham Road, Stapleford, Nottinghamshire NG9 8AY

- 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 A Arshad against the decision of Broxtowe Borough Council.
 - The application Ref is 24/00090/FUL.
 - The development proposed is described as to extend new car port 2 metres from previous application.
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Decision

1. The appeal is allowed and planning permission is granted for a carport to the front elevation at 153 Nottingham Road, Stapleford, Nottinghamshire NG9 8AY in accordance with the terms of the application, Ref 24/00090/FUL, and the following approved plans: A101 Rev D, A102 Rev D, and A104.

Background and Procedural Matter

2. The car port the subject of this appeal was built without planning permission. A subsequent planning application for its retention was granted permission (Ref: 22/00717/FUL), but with a condition requiring that it be amended within 90 days to accord with a set of revised plans. Those revised plans show that it would be reduced in length from around 6 metres to around 3 metres.
3. The scheme before me seeks the retention of the car port as built, without that reduction. As the development is already in place, in my formal decision I have used the amended description cited on the appeal form and the Council's decision although, as they are not acts of development, I have omitted references to the retention to the 'revised scheme'.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The host property sits on a large plot, amongst a group of detached houses which are set back discretely from Nottingham Road behind long front gardens, landscaping and parking forecourts. However, as illustrated by the aerial photograph at Appendix B of the appellant's statement, to the west of the site, starting at No 149a, the buildings are arranged much closer to the road. The style, form and finish of the properties along this stretch of the road is varied.

6. The carport at No 153 is attached to the host's front porch. Although their combined projection from its principal front face is around 8 metres, they are still set well back from Nottingham Road. The car port is supported by four white pillars which, whilst they do not reflect the style of the host, are slender features; and the grey panels above them respect the colour of the host's windows. As it is open to the front and sides, and it has a low, flat roof, it is a modest, lightweight structure, which allows views through to, and does not dominate, the house beyond.
7. Trees and other landscaping in the public realm and nearby properties, along with boundary treatment, ensure that it is partially screened in the streetscene, and that there are few, if any, long views of it. It is also set further back from the highway compared to the front face of No 149a and the buildings beyond it to the west.
8. Consequently, whilst the front gardens of nearby properties are devoid of significant structures, this carport is not a dominant or imposing presence. For all these reasons, and as it is set well back from the road in this diverse, well-landscaped streetscene, it has not harmed the character and appearance of the area. I have no evidence that nearby occupiers intend to carry out similar forms of development, but having reached that conclusion, no undesirable precedent would be set should the appeal be allowed.
9. Amongst other things and in general terms Policy 17 of the Broxtowe Local Plan Part 2 2018-2028 (2019), and Policy 10 of the Aligned Core Strategies Part 1 Local Plan (2014), state that permission will be granted for development which integrates into its surroundings and reinforces valued local characteristics, having regard to matters such as the texture and grain of development, the positioning, massing and scale of buildings, and the layout of spaces.
10. For the reasons above, the scheme does not conflict with that approach; nor with the National Planning Policy Framework (2023) requirement for good design which is sympathetic to local character and which maintains a strong sense of place.
11. As the development is already in place, neither a matching materials condition, nor a condition requiring that it be carried out in accordance with the approved plans are appropriate. I have however referred to the approved plans in my formal decision. Finally, the Council has suggested a condition requiring that the development should be retained in accordance with those plans. However, any proposal to amend the car port would need to be considered on its planning merits, and such a condition would not therefore pass the test of necessity.
12. I conclude that the scheme has not harmed the character and appearance of the area. Consequently, irrespective of conflicting views regarding the need for the development, and having regard to all other matters raised, including a representation from an interested party, the appeal is allowed.

Chris Couper

INSPECTOR