



Appeal Decision

Site visit made on 2 August 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/P3040/D/24/3344912

39 Stanhome Drive, West Bridgford, Nottinghamshire NG2 7FU

- 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 Daniel Price against the decision of Rushcliffe Borough Council.
 - The application Ref is 24/00234/FUL.
 - The development is loft conversion includes raising of main roof, side and rear dormers includes windows to second floor side elevation. Single storey side extension with rear hipped roof to rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.
3. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issues

The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the effect of the proposed development on bats.

Reasons

Character & Appearance

4. The site is within a predominantly residential area, some properties in the area have been extended or altered. Notwithstanding this there is, in general, a harmony to the design of properties in the immediate area, with hipped roof detailing a noticeable feature.

5. I observed during my site visit that alterations and extensions to the roof are not unusual. Nevertheless, due to the located of appeal site on a plot which can be viewed from multiple public vantage points, the proposed roof alteration and dormer would be prominent when viewed from Stanhome Drive and Branston Gardens.
6. The design and scale of the proposed development would be bulky and disproportionate on the modest appeal property and given the open location would be incongruous to the streetscene.
7. The appellant has drawn my attention to roof alterations approved by the Council. Whilst some may be comparable in terms of the design, the developments within Stanhome Drive are not comparable in terms of locational context. I have not been provided with substantive evidence to demonstrate that the other examples of development would be directly comparable to the proposed before me. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
8. The Council did not raise concern with regard to the single storey extension, from the information before me I agree. Notwithstanding this I conclude that the proposed loft conversion including raising of main roof, side and rear dormer would harm the character and appearance of the area.
9. There is conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (the Local Plan) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (the Land and Planning Policies Plan) which seeks amongst other things to ensure developments have regard to the local context, and positively contribute to the character of the area.
10. There is conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Protected Species

11. The presence of a protected species is a material consideration. A Preliminary Roost Assessment (PRA) was submitted with the proposed development which concluded that there are several potential roosting features within the Site. Notwithstanding this no direct observations of bats were made, but it is not uncommon for there to be no visible signs of bats when they roost in crevices. Further surveys were recommended in line with good practice to confirm whether bats roost in these features.
12. Planning Practice Guidance¹ is clear that local planning authorities should only require ecological surveys where clearly justified. The appellants PRA confirmed that there are Potential Roosting Features which could not be confidently scoped out as bat roosts, and that these may be affected by the works, nocturnal surveys were recommended to complete an assessment of the likely ecological impacts of the project. On this basis I cannot be certain that the proposed development would not harm priority species.
13. I conclude that the appellant is unable to demonstrate that the development would not harm bats. The development is in conflict with Policy 17 of the Local

¹ PPG: Paragraph: 018 Reference ID: 8-018-20240214

Plan and Policy 38 of the Land and Planning Policies Plan which amongst other things seeks to protect and enhance the natural environment.

Conclusion

14. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR