



Appeal Decision

Site visit made on 14 October 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/W3005/W/24/3347287

Tweenways, Derby Road, Kirkby-in-Ashfield, Nottingham NG17 7BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Abbiss against the decision of Ashfield District Council.
 - The application Ref V/2023/0454, dated 10 August 2023, was refused by notice dated 6 June 2024.
 - The development proposed is construction of a 4 bedroomed detached property to replace demolished bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development differs from the application form to the decision notice. I have no details that any alteration was agreed. I have utilised the description from the application. I am satisfied neither party is prejudiced with that approach.

Main Issues

3. The main issues in this appeal are: -
 - The effect of the development on the character and appearance of the area
 - The effect of the development on highway safety

Reasons

Character and appearance

4. The site is located at the corner of Derby Road and Diamond Avenue. I understand the property that formerly occupied the site had approval for extensions to be constructed, but apparently problems were found with the foundations in the initial works, and the property was demolished.
5. It is proposed to erect a four bedroomed bungalow with front and rear dormers on the site, brick built, with cladding to the dormers. The appellant has commented on the fact that it should be assessed in light of the previous approval for an extension, but I find that with the demolition of the previous building, it has to be considered as a new build.
6. The proposed dwelling would have two dormers to the front, and a dormer to the rear. It is clear from the plans that the size of the proposed dwelling is not

significantly different from the original dwelling had all the approved extensions been constructed.

7. Whilst the property immediately adjacent is a commercial building, there is also a mix of residential development in the locality, the majority of which is two storeys.
8. The appeal property would be in a prominent location close to a signalled junction, highly visible within the locality. I find that the overall design of the dwelling, with injudicious use of dormer windows and compounded with a roof profile that would look somewhat contrived in order to allow the construction of the dormers would look incongruous within the locality and have a prominent appearance, with a negative effect on the character and appearance of the area. A simpler design, with less reliance on dormer windows, which are not a prominent feature in the locality, could assimilate into the area in a more positive manner.
9. As regards amenity space, I find the level of provision for the site would be sufficient for the needs of residents of the new property. Whilst it may not meet the direct requirements of policy HG5, I find the specific context of the site means that sufficient amenity space would be available to meet the needs of future occupants of the proposed dwelling.
10. Regardless of the above, I find conflict with policies ST1 and HG5 of the Ashfield Local Plan Review (2002) (the LP) which, amongst other matters, expect development not to adversely affect the character and quality of the environment and contain quality design. I also find conflict with the design aspirations of the National Planning Policy Framework (the Framework).

Highway safety

11. I note from the evidence provided that the requisite number of parking spaces have been supplied as part of the proposal. I also note the location of the appeal site, its proximity to a signalled junction / central reservation area making entering and exiting the site awkward for vehicles at the previous property.
12. The existing building was demolished, and this granted the opportunity to redesign the access to make it safer given the current location with ongoing highway safety issues, as such the main focus would be to improve the situation to ensure that vehicles could exit in forward gear in a safe manner.
13. The opportunity has not been taken up, and as a result, the proposal retains the ongoing highway safety issues as vehicles attempt to enter and exit the site, so close to a signalled junction / central reservation, when the opportunity was there to improve the situation.
14. As such, I find conflict with policies ST1 and HG5 of the LP, which amongst other matters, expect development to not adversely affect highway safety and provide safe and convenient access.

Conclusion

15. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR