

Appeal Decisions

Site visit made on 14 August 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal A Ref: APP/P3040/W/24/3341555

**346 Musters Road, West Bridgford, Nottingham, Nottinghamshire
NG2 7DF**

- 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 I Aslam and Mr R Mian against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/01933/FUL.
 - The development proposed is the demolition of existing bungalow and replacement with 2 new dwellings.
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Appeal B Ref: APP/P3040/W/24/3341561

**346 Musters Road, West Bridgford, Nottingham, Nottinghamshire
NG2 7DF**

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 - The appeal is made by Mr I Aslam and Mr R Mian against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/01932/FUL.
 - The development proposed is the demolition of existing bungalow and erection of replacement dwelling.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Appeal A concerns the refusal of planning permission for the provision of two detached dwellings. Appeal B concerns the refusal of planning permission for the erection of a single detached dwelling. I have considered each on their individual merits. However, as they raise similar issues, I have combined both decisions into a single decision letter.
4. As part of the appeal, the appellant has included a Follow-Up Bat Emergence Survey (dated May 2024) to address the Council's reason for refusal relating to ecology. I am satisfied that the Council has seen this new evidence, commenting to the effect that it is unlikely that either of the development proposals subject to these appeals would have a detrimental impact upon

protected species, subject to an appropriate condition. The Council further states that it no longer wishes to pursue this reason for refusal for both Appeals A and B. I have considered the appeals on this basis.

5. I note that the highways information has been reviewed by the local highways authority as part of the appeal. It has confirmed that the details of boundary treatments and protection of a tree within the highway could be secured by planning condition. On this basis, the Council no longer wishes to pursue the reasons for refusal which relate to the effect of the proposal on trees and highway safety in relation to both Appeals A and B. I have considered the appeals on this basis.

Main Issues

6. It therefore follows that the main issues for both Appeals A and B are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of neighbouring occupiers, with regard to outlook and privacy; and
 - Whether the proposal would provide adequate car parking spaces.

Reasons

Character and appearance

7. The appeal site, located at a crossroads on the corner of Musters Road and Boundary Road, comprises a bungalow set a generous degree back from its boundaries with these roads. The properties on the other corners of the crossroad are also set back a generous degree from the road, which creates a strong sense of space and openness to the locality. Though local dwellings display a variety of sizes, forms, materials and styles, this sense of space and openness contributes positively to the character and appearance of the area.
8. I recognise that in both appeals, the design of the buildings has sought to include elements to break up their general massing. However, in the case of both appeals, the proposed dwellings would be located in close proximity to the boundaries with Musters Road and Boundary Road. Such a proximity to these roads, in combination with the height and massing of the proposed dwellings, would considerably erode the sense of space and openness in the locality and would result in a prominent, dominant and cramped form of development at odds with the prevailing grain of the area. This would give rise to significant harm to the character and appearance of the area.
9. The appellant makes reference to a number of other dwellings in the area in support of the proposals, including 201 Musters Road and others on Harrow Road, Willow Road and Boundary Road. However, these are located in a different context to that of the appeal site and thus do not provide justification for the granting of planning permission.
10. To conclude, the overall design, scale and massing of the proposals in both Appeals A and B, and their close proximity to the road, would create visually dominant buildings which would appear constrained within the appeal site and which would result in significant harm to the character and appearance of the area. Both proposals would conflict with Policy 10 of the Rushcliffe Local Plan

Part 1: Core Strategy 2014 (CS), Policies 1 and 11 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP) and the guidance found in the Rushcliffe Residential Design Guide 2009 (RDG). These policies and guidance require, amongst other things, that all new development should be designed to make a positive contribution to the public realm and must be sympathetic to the character and appearance of the neighbouring buildings and surrounding area.

Living conditions of neighbouring occupiers

11. 50 Boundary Road, to the west of the appeal site, contains two windows in its side elevation facing the appeal site. The existing low height of the appeal property and the distance between this window and the appeal property affords a good level of outlook for the occupiers of 50 Boundary Road. With specific reference to Appeal A, the proposed dwelling on plot 1 would be built close to the boundary with 50 Boundary Road. Due to the slightly raised topography of the land, this proposed dwelling would have a gable at the height of these windows, at a close distance away. This would substantially reduce the level of outlook for the occupiers of 50 Boundary Road and would appear overbearing for them. However, given the orientation of the proposal in Appeal A and its distance from the private amenity space of 50 Boundary Road, I do not find that this would have an unacceptable effect upon the outlook of this private amenity space.
12. 344 Musters Road is located next to the northern boundary of the appeal site. Both dwellings proposed in Appeal A contain large, glazed elements, including a Juliet balcony to plot 1. The proposed dwellings would be angled to face onto the rear amenity space of 344 Musters Road, at a short distance to this property. A number of these glazed elements are positioned in habitable rooms such as bedrooms. This would significantly reduce the privacy currently enjoyed by the occupiers of 344 Musters Road.
13. With regard to the effect on outlook to the occupiers of 344 Musters Road, the extent of the proposed dwelling on plot 2 in Appeal A would be limited to the side elevation of 344 Musters Road and would not protrude beyond its rear elevation. It was not apparent during my site visit that there were windows in this side elevation 344 Musters Road. As such, given the limited depth of the proposal, I do not find that Appeal A would have an unacceptable overbearing effect upon 344 Musters Road, despite its height.
14. Turning to Appeal B, the proposal would contain large, glazed elements to the first floor of the building, which includes an extensive balcony with a seating area. At a close distance away from 50 Boundary Road, this would allow for users of the balcony to overlook into the rear private amenity space of this property with ease. Therefore, this would be detrimental to the privacy of the occupiers of 50 Boundary Road.
15. I note that to the side of the balcony which would be closest to 344 Musters Road, a privacy screen is proposed in Appeal B. Whilst this would reduce some opportunities to overlook into the private rear space of this neighbouring dwelling, I find that the users of the balcony would still be able to view into the rear garden space of this neighbouring property with ease. This is owing to the large size of the balcony with particular regard to its width.

16. With regard to the effect of the proposal in Appeal B in relation to the outlook of the occupiers of 344 Musters Road, the proposed dwelling would follow the rear building line of 344 Musters Road and would not protrude beyond it. As previously noted, I did not observe any side windows in the side elevation of this neighbouring property and as such, I do not find that Appeal B would have an unacceptable overbearing effect upon 344 Musters Road. Additionally, in respect of outlook and its effect upon 50 Boundary Road, I find that there would be adequate separation between this neighbouring property and the proposal considered under Appeal B to avoid harmful effects in this regard.
17. To conclude, both proposals would result in significant harm to the living conditions of the occupiers of neighbouring properties, with regard to outlook and privacy in relation to Appeal A, and with regard to privacy in Appeal B. This would be contrary to Policy 10 of the CS, Policy 1 of the LLP and would work against the guidance of the HDG which require, amongst other things, the protection of the amenity of adjoining properties and nearby residents. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework (the Framework) which states that development proposals should ensure a high standard of amenity for existing users.

Car Parking

18. The HDG requires three off-street parking spaces per four bedroom dwelling. The dwellings under Appeals A and B would each have four bedrooms.
19. The proposal in Appeal A would provide three off-street parking spaces per dwelling; two on a drive and one in a garage. The Council indicates in its appeal statement that the garages would be of a suitable size to accord with the requirements of the HDG, but the driveway spaces would not. In my interpretation of the HDG, a double driveway should be 6.6m in width. Even when taking the wider forecourt into account, the spaces for both plots would not appear to meet this standard set in the HDG. The parking of two cars on the two plots would not allow adequate access between each vehicle due to the physical constraints adjacent to them, such as the high boundary wall next to the front access steps in the case of plot 1, and the boundary to No 344 Musters Road in the assessment of plot 2.
20. The proposal in Appeal B would provide a double garage and two parking spaces on the driveway. The Council considers that the double garage would measure 6m x 5.7m and would thus not accord with the 6m x 6m HDG standard. It also considers that the submitted plans do not demonstrate that the size of the two parking spaces on the drive would meet the HDG standards. Nonetheless, the floor plan in Appeal B indicates that the double garage would have an opening of 6.5m and would appear to be of a length of around 6m so would, it seems to me, meet the HDG size requirement for a double garage. Accordingly, this space, along with the size of the proposed driveway which would be able to accommodate at least one car, would likely provide adequate off-street parking provision in its aim to provide three spaces to meet the requirement of the HDG.
21. To conclude, Appeal A would conflict with Policy 10 of the CS, Policy 1 of the LLP and would work against the guidance of the HDG. These policies state that the assessment of proposals will include the assessment of the layout of

spaces and that the provision of parking is in accordance with the HDG. However, I do not find conflict to these policies in the assessment of Appeal B.

Planning Balance and Conclusion

22. Appeal A would conflict with the CS and LPP due to its effect on the character and appearance of the area, its effect on the living conditions of neighbouring occupiers with regard to outlook and privacy and a failure to meet the minimum parking space specifications as required by the HDG. The net increase of two dwellings would bring economic and social benefits, including construction jobs, increased local spend and new homes which would boost the supply of housing. However, such benefits would not outweigh the significant harm I have found in respect of the main issues.
23. Appeal B would also conflict with the CS and LPP due to its effect upon the character and appearance of the area and the living conditions of neighbouring occupiers with regard to privacy. Whilst there would be no net increase to housing supply in Appeal B, there would be benefits such as additional construction jobs and increased local spend. However, these benefits, in my view, would not outweigh the harm I have identified.
24. For the reasons given above, both Appeals A and B would be contrary to the development plan. There are no material considerations which indicate that I should take a decision otherwise than in accordance with the development plan. Therefore, I conclude that both Appeals A and B should be dismissed.

J Smith

INSPECTOR