



Appeal Decision

Site visit carried out on 20 January 2025

by Mrs J A Vyse DipTP MRTPI DipPBM

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/Q3060/D/24/3349274

8 Torkard Drive, Nottingham NG5 9HR

- 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 Aaron Evans against the decision of Nottingham City Council.
 - The application No is 24/00071/PFUL3.
 - The development comprises the erection of a garage to the front of the dwellinghouse.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Procedural Matter

2. Work has commenced on the development the subject of this appeal, with the building nearing completion.

Main Issue

3. The main issue in this case relates to the effect of the development on the character and appearance of the area.

Reasons for the Decision

4. The appeal property comprises a detached two-storey dwelling that occupies a corner plot at the junction of Tobias Close with Torkard Drive. Ground levels fall along Torkard Drive, towards the appeal property and Tobias Close, with the appeal property sitting at the lower end of a row of four detached dwellings, each set back from the road on a similar alignment, behind open front gardens.
5. The flat-roofed garage building is located to the side, but in front of No 8, on land that was previously free from built development. Ground levels have been raised within this part of the site, bringing it up to the level of the adjacent footway on Torkard Drive, with a retaining wall constructed around the southwestern boundary, along the rear of the footway on Tobias Close, where ground levels fall away. As annotated on the submitted plans, the building has a footprint of some 6m x 5m and a height of around 2.45m. It is proposed to finish it in white render, with a black fascia and black garage door in the centre of the eastern elevation.
6. The front gardens to the properties here, including that of No 8 (prior to construction of the garage), contribute towards a generally open character to this part of the estate. The siting of the substantial garage building, forward and at the end of this run of properties, creates an overtly prominent and intrusive feature within the street scene, materially reducing the openness of this corner site, the spaciousness of which is an important characteristic of this part of the estate. There is significant harm, in this regard, to the established character and

appearance of the area. Soft landscaping, as suggested by the appellant, would not successfully mitigate that impact.

7. That harm brings the development into conflict with policy 10 of the Aligned Core Strategies¹ and policies DE1 and DE2 of the Land and Planning Policies Local Plan Part 2,² which together and among other things promote high quality design, seeking to ensure that new development is sympathetic to local character, making a positive contribution to the local environment. There would be conflict too, with paragraph 135 of the National Planning Policy Framework (2024), which seeks similar ends.
8. In support of the appeal, the appellant draws attention to garages on corner plots at Harvest Close and Pine Hill Close. However, there is no information about the planning history for either of those buildings. In both instances, the garages are sited on a corner with a main road, whereas the appeal site is located at the junction of a residential cul-de-sac with an estate road, on a bend within a residential estate, at a point where there are significant changes in ground level and where the openness of the front gardens is an important characteristic of the area. The site specific circumstances are therefore not directly comparable. I confirm in this regard, that I have considered the appeal scheme on its own merits and site-specific circumstances.

Other Matters

9. Although not part of the Council's reason for refusal, concern is raised by a third party in relation to the view from front facing windows being affected by the garage building. Whilst the facing properties on Tobias Close are at a lower level relative to the appeal site, they are some 16m away. As such, whilst there will have been a change in outlook for residents of those properties, the distance separation means that does not equate to material harm to their living conditions in terms of outlook, privacy or daylight/sunlight.
10. There is reference too, to highway safety at the junction of Tobias Close with Torkard Drive. However, as I saw during my visit, the alignment of the respective carriageways means that the garage building does not impede visibility to the left for drivers exiting Tobias Close onto Torkard Drive. I find no harm in this regard.
11. In support of the building, it is argued that it creates employment for local builders and tradespeople, thus contributing to the local economy pursuant to the economic objectives of the Framework. Any benefits in this regard are not quantified but, in any event, would be minimal for a development of this scale.
12. It is also maintained that the development improves the amenity and standard of living for current (and future) residents, pursuant to the social objectives of the Framework, but it is not clear how. I recognise that it might provide additional storage for occupiers, but there is already a substantial, timber clad building to the side of the property. Any benefit in this regard can only be considered as minimal.
13. In relation to the environmental objectives of the Framework, it is suggested that there would be no harm in terms of waste, pollution or impact on biodiversity. It is also confirmed that the building has been constructed in line with current building

¹ Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan: adopted September 2014

² Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (January 2020)

regulations using sustainable materials. However, those considerations do not equate to benefits that can be weighed in the planning balance, they are simply an absence of harm.

Conclusion

14. Whilst I have found no harm in relation to the living conditions of nearby residents, or to highway safety, I have found that the development fails to respect the established character and appearance of the area, with consequential harm, bringing it into conflict with the relevant policies of the development plan and the Framework. The benefits identified, such as they are, are not sufficient in this instance to outweigh the identified harm. On balance, therefore, I conclude that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR