



Appeal Decision

Site visit made on 28 January 2024

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/P3040/W/24/3351267

1 Lydney Park, West Bridgford, Nottinghamshire NG15 8DL

- 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 Pinder Bal against the decision of Rushcliffe Borough Council.
 - The application Ref is 24/00282/FUL.
 - The development proposed is the change of use of street landscaping/open space to residential use and, the erection of a single storey front/side extension.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a single storey front/side extension.
2. The appeal is allowed insofar as it relates to the remainder of the application and planning permission is granted for the change of use of street landscaping/open space to residential use at 1 Lydney Park, West Bridgford, Nottinghamshire NG15 8DL in accordance with the terms of the application, Ref: 24/00282/FUL, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Preliminary Matters

3. During the application the main parties agreed to amend the description of development. This more accurately describes the development proposed. I have therefore referred to the amended description in the banner above, and in my formal decision, albeit I have slightly altered the wording for precision.
4. On my site visit I observed that the area of open space, which is the subject of the change of use, had been incorporated into the residential planning unit and, therefore, this part of the scheme is retrospective. I am satisfied that the submitted plans accurately reflect the land in question and have determined the appeal on this basis.
5. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

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

Reasons

7. The appeal relates to a two-storey detached dwelling, which is located on a corner plot at the junction of Lydney Park and Compton Acres Road. Lydney Park forms part of a small network of streets which spurs off Compton Acres Road. Lydney Park has generally open and spacious frontages. Compton Acres Road is a main arterial route through the estate and, as such, is wider and has a more varied character comprising elements of boundary walls, fences, hedges and open spaces adjacent to the highway. There are also varying degrees of set-back of buildings from the street. This variety adds to the overall character and appearance of the estate while areas of open space provide interest and visual relief.
8. The appeal dwelling is set back from Compton Acres Road. Between the flank elevation and the pavement is a lawned area set behind a low ornamental hedgerow. A tall brick wall encloses the rear garden of the site. This projects beyond the flank elevation of the dwelling, although it remains set back from the pavement. To the rear of the site is a detached garage, associated with No.5 Compton Acres Road. This is also set back from the street. There is a slight bend in Compton Acres Road adjacent to the site. The area of open space and the position of built development on the site, and adjacent, allows for open views across the site and along the Compton Acres Road. No.2 Lydney Park (No.2) is positioned on the opposite side of the street and is of similar design with a similar flank building line position. No.2 includes a rear garden enclosed by a brick wall, although it is sited closer to the Compton Acres Road. Nonetheless, the two properties provide a visually well-balanced entrance into Lydney Park, and visual rhythm along Compton Acres Road.
9. It is understood that to the land to the side of the dwelling was an area of landscaping/open space which did not originally form part of the residential unit. I have no specific details of the appearance of that land before it was incorporated into the planning unit. Nonetheless, this land at present comprises low level landscaping and remains open. The open character of this land and its soft landscaping contributes positively to the overall character and appearance of the estate.
10. With regard to the use of land, the side area is well maintained, and the lawn is contiguous with the lawn to the front of the property. The soft landscaping of the site, including boundary hedgerow, and absence of any operational development ensures that the land has an open character. Therefore, provided that the land maintains an open and soft landscaped character, I do not consider that the change of use of this land has caused harm to the overall character or appearance of the area.
11. This immediate part of Compton Acres Road is characterised by development, which is set away from the street, with the built edge defined by the flank elevation of the dwelling, the tall rear garden wall and the position of a detached garage to the rear. This separation of development from the street allows for a degree of openness and allows for views along the street over the soft landscaping as I have

identified above. The scheme includes an extension which would project to the front and side of the dwelling. The extension would be constructed on the open land to the side, occupying much of the undeveloped width, bringing development much closer to the street. This would protrude significantly beyond the tall brick wall and position of the detached garage to the rear, therefore visually disrupting the general pattern of development in this part of the street. The extension would result in a dwelling which would be positioned much closer to Compton Acres Road, which would appear prominent in the street. This would visually erode the open nature of the land and existing views along Compton Acres Road, which is an important characteristic of the street. Furthermore, when viewed with the similar built arrangement of No.2, the scale and siting of the extension would result in a more imbalanced pattern of development at the entrance into Lydney Park.

12. During my site visit, I checked measurements as suggested by the appellant, and I accept that the development would retain a gap from the edge of the pavement. This gap would be sufficient in width to retain the hedgerow and allow for other soft landscaping as suggested by the Councils Tree Officer. Nonetheless, I do not consider that the size of the retained gap, or the provision of additional landscaping, would be sufficient to mitigate the prominence of the development, and erosion of street openness that would arise.
13. I have had regard to the examples of similar developments which have been highlighted by the appellant. During my site visit, I took the time to view the surrounding area, and I acknowledge that the surrounding estate has varied boundary treatments and spacings between dwellings and the street. However, I do not consider that their immediate context in spacing, views along the street and context with surrounding development to be identical or directly comparable to the appeal site. Furthermore, the incremental erosion of these open areas, which contribute positively to the streetscape, would cumulatively have negative visual effects on the area. In any event I have considered the scheme on its individual merits.
14. For the above reasons, the single storey front/side extension would have a demonstrably harmful effect on the character and appearance of the surrounding area. That part of the development complies with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (the CS), and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (the LAPP). Together, amongst other things, these seek to ensure that development reinforce valued local characteristics, having regard to structure, texture and grain, positioning of buildings and the layout of spaces, and consider the potential impact on important views and vistas, including of townscape.
15. However, I find that the material change of use of land to residential would not be harmful to the character or appearance of the area. Therefore, that part of the development would conflict with Policy 10 of the CS, and Policy 1 the LAPP. Together, amongst other things, these seek to ensure that development has a positive effect on the public realm and that it is sympathetic to the character and appearance of the area.

Conditions

16. I have had regard to the list of conditions suggested by the Council. These principally relate to the operational development, or measures to mitigate the effects of the operational development, rather than specifically related to the material change of use. I understand that permitted development rights have already been removed for the erection of walls and enclosures at the estate. This would enable the Council to retain control of the erection of such development on the land and assess the effects of any such proposals which may come forward. As such, I do not consider it necessary to attach any specific conditions relating to the land to which permission is granted.

Conclusion

17. The element of the scheme with which I take issue is severable from the remainder of the proposal. Therefore, for the reasons I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed in relation to the erection of a single storey front/side extension. However, the appeal should succeed in relation to the change of use of street landscaping/open space to residential use.

D Cleary

INSPECTOR