



Appeal Decision

Site visit made on 25 February 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal Ref: APP/J3015/W/24/3354956

Land off Vernon Court, Nuthall NG16 1AW

- 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 Ryan Doherty (Grayhouse Developments) against the decision of Broxtowe Borough Council.
 - The application Ref is 24/00431/FUL.
 - The development proposed is described as “Construct one building to form 2 apartments”.
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Decision

1. The appeal is allowed and planning permission is granted to construct one building to form 2 apartments at Land off Vernon Court, Nuthall NG16 1AW in accordance with the terms of the application, Ref 24/00431/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Two sets of proposed plans have been submitted by the appellant with this appeal as part of the planning application submission. From the evidence before me it appears the Council made its decision against the amended plans ref. DB/RD/24/22/01 Rev. D. I have therefore determined the appeal on the same basis.
3. Since the planning application was determined a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have had regard to the Framework as a material consideration in my decision making. The main parties had an opportunity to comment on the implications for the appeal and I have taken any comments into consideration in my determination.

Main Issue

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

Reasons

5. The appeal site relates to a hard surfaced courtyard area off Vernon Court that is part of a wider housing estate in a predominately residential area of Nuthall. The courtyard provides pedestrian access to the front and rear elevations of the properties that surround it, which are arranged in a generally uniform manner. Vehicular access is prevented into the site by bollards positioned around the turning head on Vernon Court. One tree is located in the south-western corner of the site, and another is located adjacent to the northern boundary.

6. The site is located within the '*Horsendale*' character area as identified on Map 10 of the Nuthall Neighbourhood Plan (2018) which is noted to be, amongst other things, typified by a mix of single storey and two-storey detached houses and bungalows with off-road parking. However, the area immediately surrounding the courtyard contains a mix of house types including two-storey flats (which are the shorter blocks that feature staggered gable-end side ranges that provide access into the properties) and terraced rows (to the north-west and south-west) constructed from a similar palette of materials.
7. The area has a relatively dense urban grain and there is variation in plot sizes and separation between buildings. The terrace rows around the courtyard are set on a perpendicular alignment to one another, separated by a single storey garage range which provides space between the two closest end terraces. These properties also have uniform front and rear garden areas serving individual properties. In contrast, the blocks of flats are positioned in closer proximity to one another, on a staggered alignment, and have smaller garden areas that appear to be shared.
8. The proposal is to construct a two-storey block of apartments within the courtyard in between one of the existing blocks of flats and the terraced row. The apartments would be provided with a shared amenity space to the rear and off-street parking to the front. The apartment block would be orientated in the same direction and sited in close proximity to the side of the flats. However, this would not be uncharacteristic with the general spacing around other blocks of flats in the vicinity and would make effective use of this under-utilised land for housing. The '*Proposed Street Scene*' extract plan also demonstrates that this would not result in a cramped relationship and the general scale and form of the development would complement adjacent built form allowing it to successfully integrate into its surroundings. Adequate spacing would be retained between the development and the terraced block to the north-west and the resulting development would not be dissimilar in plan form to the appearance of the terraced row on the opposite side of the courtyard. For these reasons the development would not appear isolated in this context and would not be out of character with the varied plot formations in the area.
9. To provide access to the development and facilitate a two-way flow of traffic, several bollards around the existing turning head would be removed. The County Highway Authority commented on the application that the access would need to be increased from that shown on the proposed plans to 5.8m wide for the first 8m back from the highway and the Council acknowledge this could be accommodated within land owned by the appellant. Given the courtyard is already hard surfaced, the impact of the creation of this access would be limited to the removal the existing bollards. Whilst this would result in a visual change, this would not amount to harm given the bollards themselves are a neutral feature in the street scene. Furthermore, the appeal proposal would keep the middle section of the courtyard free from built development which would retain a sense of spaciousness within the courtyard and preserve the amenity value this provides to the character and appearance of the area.
10. Therefore, for the reasons given above I consider the siting, layout and design of the proposed development would successfully respond to the pattern of built development in the surrounding area, allowing it to successfully integrate into its surroundings. I therefore conclude the proposed development would not harm the character and appearance of the surrounding area. As such, it would comply with Policy 10 of the Greater Nottingham: Broxtowe Borough Gedling Borough

Nottingham City Aligned Core Strategies Part 1 Local Plan (2014) and Policy 17 of the Broxtowe Borough Council Part 2 Local Plan (2019) which, amongst other things, promote developments that have regard to local context, make a positive contribution to the character and appearance of the area and support high quality design. The development also complies with Policies 1 and 5 of the Nuthall Neighbourhood Plan (2018) insofar as they support development that enhances and contributes positively to the character and appearance of the area.

Other Matters

11. Interested parties have raised concerns relating to, amongst other matters, the felling of a tree on site, the loss of the land as public amenity land, the position of the development and impact on privacy, the increase in traffic and existing on-street parking shortages, refuse storage and access and parking provision serving the development. In respect of the felling of trees, I have no evidence before me to suggest the tree was covered by a Tree Preservation Order but in any event, the proposal includes the planting of a new tree within the courtyard to provide visual amenity enhancements. I also have no evidence to suggest the courtyard is public amenity land, however, note that much of the site would be retained in any event.
12. In respect of privacy, from my own observations, separation distances and relative window positioning would be sufficient to ensure no adverse overlooking issues would occur. The access and parking arrangements would also be satisfactory to mitigate the impacts of the development and there is no evidence that highway safety would be compromised. Furthermore, as the proposal is to construct two apartments, it is unlikely that it would give rise to additional noise levels over and above what would be expected in a residential area.
13. I note interested party concerns about the bin collection area annotated on the plans and the impact that the storage of bins here could have on the character of the area, however there would be sufficient space within the plot for refuse storage provision, precise details of which can be controlled by condition. In the event that bins are taken to the highway for collection purposes this would be temporary on collection days and would not amount to unacceptable harm either to the outlook from the adjacent flats or the street scene in general.
14. An interested party has also commented relating to rights of access across the site and ownership of land within the application site, adjacent to the neighbouring block of flats, which could impact the development. However, there is limited evidence before me to substantiate this. In any event, the proposed block plan indicates that access to the rear of these flats would be retained.
15. In addition, an interested party has raised concerns about the general condition of the land and the appellants maintenance responsibilities. However, this is a private matter that falls outside of my consideration of this appeal.

Conditions

16. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interest of planning certainty. A condition requiring the proposed external materials to be approved by the Council is needed to ensure that the proposed development has an appropriate visual appearance.

17. To ensure that adequate off-street parking space is provided within the development and in the interests of highway safety, a condition requiring the vehicle parking spaces to be provided and remain available for parking is necessary. So too is a condition relating to the new access in terms of its width, provision of appropriate drainage, and use of unbound materials in the interests of highway safety.
18. Due to the proximity of the development to existing residential properties and existing access restrictions, a Construction Method Statement is necessary to ensure that highway safety and living conditions matters are addressed during the construction phase.
19. It is also necessary for boundary treatments and waste and refuse storage facilities to be approved, to ensure appropriate provision for such facilities and an acceptable visual appearance. Hard and soft landscaping details are also required to ensure a visually appropriate scheme.
20. The appellant has suggested the inclusion of bat boxes within the building to provide biodiversity enhancements, however given the scale of the development, I have no evidence to suggest this condition is necessary to make the development acceptable.

Conclusion

21. For the reasons set out above, and having regard to all other matters raised, the proposal is considered to accord with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

H Whitfield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site Location Plan and Proposed Drawing DB/RD/24/22/01 Revision D.
- 3) No development above ground level shall take place until precise details of all external facing materials (and samples upon request) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 4) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no DB/RD/24/22/01 Revision D. Thereafter those spaces shall be retained for the parking of vehicles only.
- 5) Notwithstanding the details on the approved plans, the development hereby permitted shall not be occupied until the vehicular access is widened to 5.8m wide for the first 8m back from the public highway and surfaced in a bound

material with measures to prevent the discharge of surface water onto the public highway.

- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) The development hereby permitted shall not be occupied until details of the positions, height, design, materials and type of boundary treatment to be erected have been submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the development is occupied.
- 8) The development hereby permitted shall not be occupied until details and specifications of waste and refuse storage facilities serving the dwellings have been submitted to and approved in writing by the local planning authority. The approved waste and refuse storage facilities shall be completed prior to the first occupation of the development and shall thereafter be retained and maintained for the lifetime of the development.
- 9) The development hereby permitted shall not be occupied until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include landscaping and hard surfacing materials.
- 10) The approved soft landscaping shall be completed during the first planting season following the first occupation of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*****End of Schedule*****