



Appeal Decision

Site visit made on 22 June 2025

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/P3040/Z/25/3364802

9 High Street, Ruddington, Nottinghamshire NG11 6DT

- 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 S Mulligan against the decision of Rushcliffe Borough Council.
 - The application reference is 24/00478/FUL.
 - The development proposed is described on the Application Form as 'Retrospective application for installation of air conditioning unit on side (south) elevation.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As mentioned in the description of the application, the scheme has already been implemented and is currently in situ. I have assessed the scheme on this basis that it is retrospective.
3. I note that the appeal documents reference the National Planning Policy Framework 2023 (the Framework). Since the submission of the appeal, the 2023 version of the Framework has been superseded by the 2024 version which was published on the 12 December 2024. The wording of the relevant paragraphs of the new Framework remain unchanged from the 2023 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. Additionally, this 2024 version of the Framework was amended on 7 February 2025 to correct cross references to paragraph 155 and for the avoidance of doubt is not intended to constitute a change of policy. As such I have considered the appeal on this basis and refer only to the updated 2025 Framework within my decision.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the host building and the surrounding locality, with special attention to the Ruddington Conservation Area (CA) and the significance of the Former Framework Knitters Workshop (Grade II).

Reasons

5. The appeal site is located within the Ruddington CA, where the Ruddington Conservation Area Appraisal details the relevant areas of significance of the CA being the distinctive grid layout and narrow streets of the town centre; development which consists of a number of listed buildings; the village green and relationship of buildings, many of which represent the local vernacular and the Edwardian and

Victorian commercial landscape; the contribution of trees, vegetation and open spaces; which add to community cohesion and sense of place; amongst others. Historic buildings tend to be small, two storey that have no setback from the narrow pavement, however there are buildings in the town centre with small front gardens which are typically illustrative of emphasising higher status. Whilst there is some infill development, this tends to be sympathetic with the significance and character of the CA. The use of traditional materials such as timber, brick and slate along with the linkage to Victorian/Edwardian design techniques and materials reinforce a uniformity and authenticity which creates a formal picturesque townscape. Traffic along High Street contains on-street parking which reduces speed, with limited street lighting giving the area a vibrant but not overly busy village feeling and experience. These elements, amongst others emphasise a picturesque village experience that reinforces some of the positive qualities within the locality that reinforce local character and distinctiveness.

6. The appeal site consists of an infill development which has been constructed in a quasi-Victorian style with no setback from the pavement. Whilst some elements such as the scale and height of the infill development together with the timber shopfront are somewhat sympathetic to the CA; to me the use of uPVC windows and the large dormer windows do cause clutter to the character and appearance of the area in this location. Surrounding the site there are some elements such as alarm boxes, and security cameras but their size and frequency means that they are not a dominant form of development within the area. I also noted that there were timber posts positioned in the front garden of No.11, which appeared to be framework for a sign of sorts, which also causes clutter to the area.
7. To the immediate south of the building is the front garden area of No.11 High Street whereby the gable wall of the appeal site forms the side boundary of this small front garden that has two mature trees. Facing onto the front garden at No.11 is a two storey building of brick construction that appears to date from the early-mid nineteenth century, but modified in terms of fenestration, ramp and front extension. Despite this the building is designated on the CA Map as a “key unlisted building” and contributes positively to the character of the locality. No.11 appears to have been constructed in association with the workshop to the rear which was a former Framework Knitters Workshop which is a Grade II building of national architectural and historic importance. Whilst No.11 and the workshop to the rear appear to be in separate use, the historic relationship of the buildings are appreciated together as examples of commercialisation and industrialisation of uses which was common in the Victorian and Edwardian periods which is also reflected in the CA Appraisal. As both buildings are inherent of this historic relationship there is a need to consider whether the proposal would affect the significance of the listed building from development within its setting.
8. In assessing development subject to consideration around heritage assets Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area. Section 66 of the PLBCA prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building or its setting.

9. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) Policy 11 seeks that development should conserve and enhance the significance of heritage assets in line with their identified significance, with emphasis given to the importance of the industrial and commercial heritage. The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) Policy 28 is a heritage asset and design-led policy that seeks that development be proposed following an understanding of the significance of assets and their settings with considerations around siting, scale, materials, detailing, as well as being sympathetic to historic context and significance, and the relationship with spaces, historic street pattern, amongst others. Additionally the appeal site is subject to the Ruddington Neighbourhood Plan (NP) where Policy 10 seeks development to preserve and enhance the character and appearance of the CA.
10. The air-conditioning unit has been positioned at ground floor level towards the centre of the gable and overhangs the front garden of No.11. The air-conditioning unit is large and has an awkward appearance within the street scene despite being partially obscured by a tree. Given that the appeal site in its construction appears to have taken design cues from the surrounding area, there appears to be a deliberate attempt to replicate some of the historic elements and attempt to be authentic and sympathetic to the context and significance of surrounding historic buildings. The air-conditioning unit is neither sympathetic or authentic to the historic character of the area and exacerbates the clutter already present on this building which is detrimental to the character and appearance of the area.
11. I appreciate the explanation as to the design rationale behind the design which seeks to improve temperature for the office of the appeal site, however the result is unsuccessful and appears to have been developed in isolation to the existing and surrounding built form. The proposal would be disproportionately bulky and would add unnecessary clutter which would have an inauthentic appearance within this CA. As per the Appellant's Statement of Case I can also appreciate that the current shop front allows a lot of direct sun and can make the office uncomfortable. However, there may be potential actions to modify the shopfront in accordance with the Development Plan to be able to provide the ventilation/air-conditioning that the Appellant notes is absent from the design of the shopfront.
12. I also acknowledge comments that the air-conditioning unit would be obscured by the tree and not readily visible within the public realm; however the duty under Section 72, 66 (or considerations under LPP1 Policy 11, NP Policy 10 or LPP2 Policy 28) are not limited to what can be seen from a public vantage point, and that just because an air-conditioning unit might not be perceived as highly visible to the public realm, does not mean that harm to heritage assets cannot occur. Additionally, the tree in question is not under the control or ownership of the Appellant and therefore does not provide strong justification for the appropriateness of the installation.
13. Taking the above into account and in conclusion of this matter the proposal due to its form, placement and resulting additional clutter would not be an appropriate architectural approach and the scheme is therefore contrary to LPP1 Policy 11, NP Policy 10 or LPP2 Policy 28, as described previously. It is clear to me that the air-conditioning unit would unacceptably harm the character and appearance of the existing building and the greater locality that is important to the significance of the CA thus failing to preserve the character and appearance of the wider CA and the

duty under s72 of the PLBCA. Given that the front building and the listed workshop to the rear have a historic relationship and are appreciated together as part of the commercialisation of the area, the additional clutter causes detriment to how the buildings are experienced and appreciated together, therefore causing harm to the significance of the listed building from development within its setting.

14. Although serious, the harm to the CA and the listed building in this case would be 'less than substantial,' within the meaning of the term in paragraph 215 of the Framework. Paragraph 213 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 215 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. I note discussion in the statements of both parties where there has been a "lower end" level applied to the assessment of Paragraph 215. It is noted that this spectrum classification of less than substantial harm is unnecessary and goes beyond the remit of the Framework which is also addressed through caselaw¹, hence these spectrum levels are not appropriate to give weight to in my decision.
15. Turning to the assessment under paragraph 215 of the Framework, there are some public benefits, such as the economic benefits from short term employment opportunities from purchasing and the placement of the air-conditioning unit, and also the better office environment, however the latter point is more private than public benefit. Given that there has not been any information presented around different options that could be explored, it is considered that these benefits would also be present in alternative schemes which may be more in line with the policies of the development plan. Consequently, these benefits are not sufficient to outweigh the harm caused to the CA, in which I attach great weight.
16. I therefore find that the public benefits arising from the proposed development would not outweigh the harm I have identified. The scheme therefore conflicts with the Framework, which directs, at paragraph 212, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'
17. Taking the above into account, and in conclusion of this matter, the proposal would be contrary to LPP1 Policy 11, NP Policy 10 or LPP2 Policy 28, and would fail the duty of s72 and s66 of the PLBCA.

Conclusion

18. The installation of the air-conditioning unit when considered as a whole together with relevant material considerations, the public benefits presented are not enough to clearly outweigh the clear conflict with character and appearance and the duty with regards to the Conservation Area, listed building and the non-designated heritage asset. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be dismissed.

J Somers
INSPECTOR

¹ Shimbles, R (on the application of) v City of Bradford Metropolitan District Council EWHC 195 (Admin)