



Appeal Decision

Site visit made on 20 May 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/Q3060/W/25/3361104

Garages South East of 5 Cavendish Crescent South, Holles Crescent, Nottingham NG7 1BZ

- 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 Alastair Simpson against the decision of Nottingham City Council.
- The application reference is 24/01031/PFUL3.
- The development proposed is demolition of existing garages and erection of a single dwelling.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garages and erection of a single dwelling, at Garages South East of 5 Cavendish Crescent South, Holles Crescent, Nottingham NG7 1BZ, in accordance with the terms of the application, Ref 24/01031/PFUL3, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the Park Conservation Area (the PCA);
 - ii) the living conditions of neighbouring occupants, and;
 - iii) trees on and adjacent the site.

Reasons

Conservation Area

3. The appeal relates to a single storey garage building formerly associated with 5 Cavendish Crescent South, one of the substantial original estate houses (OEHs) of the Park Estate. Ownership of the garage has been separated from the OEH, which itself has been converted to a number of self-contained flats. A fence has been installed across the former garden of the OEH to delineate the two sites.
4. The garage fronts onto Holles Crescent to the rear of the OEH. At the time of my visit, I saw the garage to be in a state of disrepair, the roof covering having been removed, exposing the roof frame and with significant detritus to the interior. The site was also enclosed by hoarding due to concerns over the condition of the front wall of the garage.
5. The proposal is to replace the garage with a single dwelling. The majority of the dwelling would be at ground floor level, set behind a recreated front façade onto Holles Crescent. Excavation is proposed to embed the dwelling into the site and

provide a sunken terrace to the rear of the ground floor. A rectangular, pitched roof structure would form the first floor level on one side of the site. The roof of the ground floor would be laid out as a green roof and raised garden area.

6. The site lies within the PCA, noted as a pioneering example of a residential park suburb, remarkable at a national level for the quality of its urban design and architecture, its high historical integrity and its enthralling Arcadian aesthetic. The PCA covers the planned estate layout over 145 acres which retains its original tree-lined road layout of circuses and concentric crescents. Large, architect-designed villas populate the estate, interspersed with more recent development, including to infill and backland sites. The enclosed layout and private status of the estate detach it from busy urban surroundings and the resulting tranquil atmosphere, combined with the spaciousness of the streets and grandeur of the villas, contribute to the significance of the PCA.
7. The Park Conservation Area Appraisal & Management Plan (March 2023) (the CAAMP) sets out that among the challenges facing the Estate have been infilling of garden plots leading to a loss of the scenic parkland character. The conversion of garaging, which in many cases replaced original coach houses to the rear of the OEHs, is a further trend, noted in the CAAMP as often including 'radical' attempts to create dwelling houses within constrained plots that lack external amenity space and fail to demonstrate the qualities of The Park's designed aesthetic. Also at play is the replacement of 20th century housing, which can improve the quality of poor buildings, but has also involved increased scale and massing resulting in dwellings oversized for their plots.
8. The CAAMP refers in detail to the coach houses, describing them as an overlooked but conspicuous and common feature of the Estate, an important sign of status of the elevated middle class dwelling and strongly evocative of The Park's period of construction, with a meaningful level of architectural and historical interest. They are noted as having undergone intensive conversion for residential use from the late 20th century. Physically, they are described as intentionally diminutive in scale and massing, usually a single storey or a low two-and-a-half storeys and featuring decorative elements and materials drawn from the OEH, establishing a clear visual relationship and hierarchy.
9. The proposal would replace the existing garage with a new brick façade with stone details facing the street. The dwelling itself would be set some 1800mm behind this façade wall. The site would be excavated to a depth of some 16.6 metres to accommodate the ground floor accommodation and sunken rear courtyard. The rectangular, pitched roof structure forming the first floor element would be located to the right hand side of the site when looking from the street. It would present a gable end to the public realm and extend rearwards for a depth of 11.5 metres, covered in a dark stained timber cladding with slender, vertically orientated windows to the front. The remainder of the site at this level would comprise landscaped garden to the rear and a green roof over the ground floor element.
10. The proposed building would increase the scale and massing of built form on the site well beyond the existing footprint of the garages. However, the topography of the site is such that the majority of the building would be sunk below the existing level of the garden and concealed behind the front façade. As such, the full scale of the dwelling would not be apparent in views from the street.

11. The principal area of concern is the proposed first floor element, both in terms of its scale and design, but also its effect on views of the OEHS behind. The height and form of the first floor element would be clearly visible in the streetscene, and it would represent a departure from the single storey scale of the existing garages. I recognise that many of the coach houses were historically modest in scale, reflecting their ancillary function, though the CAAMP acknowledges that their scale extended to low two-and-a-half storeys. Moreover, the streetscene on Holles Crescent contains a varied range of scales and styles, including two storey dwellings next door at Nos 6 and 8, and two doors away on the other side at 29 Lenton Road. In this context, the addition of a first floor element would not be anomalous to the pattern of development.
12. In addition, the proposed massing would stand adjacent to the two storey dwelling at No 8 and thus would be seen in context with it, rather than as an isolated extrusion. The use of timber cladding would contrast with the prevailing use of red brick, stone and render, but in presenting a muted, monotone façade with subtle window openings, it would quieten the overall appearance of the structure. Its slightly recessed position would assist in this regard, appearing secondary to the prominent front façade that would more overtly reference the prevailing architecture of the surroundings, through the inclusion of decorative twin gables akin to those to 4 Holles Crescent, basket weave brickwork to window openings, an arched doorway, stone plinth and copings and hardwood garage doors.
13. Moreover, whilst the CAAMP highlights attempts to increase the overall size of replacement buildings, it also acknowledges the constraints this can have in terms of providing adequate internal and external space. The proposal would extend the footprint of the existing garages, but in a manner that would conceal much of the massing from view and maintain an appropriate sense of the scale in views from the street. As such, it would not appear oversized for its plot, as the CAAMP indicates has occurred elsewhere in the Estate. It would also allow for a family-sized home to be provided.
14. In these respects, the proposal would successfully combine traditional and modern elements to create a dwelling of suitable scale and appearance that would integrate well into an eclectic pattern of development along Holles Crescent that combines both historic and modern elements. The prominence of the front façade and recessive form of the first floor element would enable the historic coach house aesthetic to still be understood. The scale would not be so great that it would not still be viewed as secondary to the OEHS in terms of the hierarchy of the estate layout. Although concern is raised in respect of the 'false' façade, the high standard of design and materials proposed means it would be capable of integrating successfully into the streetscene. Its overall form would also provide appropriate screening of the void behind, and the overall form of the dwelling would appear coherent when viewed from the street.
15. The raised garden area to the rear would be consistent with the existing garden level, and whilst use of the flat roof areas above the ground floor may contrast with the historic sense of gardens being private areas set behind tall walls, it would be seen as an integral part of the design and one which would still reflect the original use of the space as a garden. Indeed, it is indicated that the overall extent of open space within the site would increase as a result of the proposal.

16. Turning to the effect on the views of the OEHs behind the site, the placement of the first floor element to one side of the site is indicated to be an intentional design choice to avoid blocking the view of the OEHs. When observing from Holles Crescent, the OEHs form a constant presence given their substantial scale. Depending on one's position, the views can be unobstructed, glimpsed over foreground buildings or filtered by trees, heavily so in the summer months. Many views are also fully obscured by other buildings. In this case, there are filtered views towards 5 Cavendish Crescent South from in front of the existing garages and over the top of the adjacent, single storey dwelling at No 14.
17. The proposal would introduce new massing to one side of the site that would obscure the view of No 5 from a small section of the street directly in front of the property. However, this is a single point in the streetscene where the view is already partially obscured by the massing of No 8 next door and the mature street tree. The degree to which the view of the OEH would be lost would be very modest, as it would remove only a small extent of the existing vista that spans over the top of the appeal site and No 14. In these respects, I am satisfied that the proposal would preserve the visual relationship between the OEHs and the secondary scale of the development on Holles Crescent.
18. The guidance of the CAAMP includes examples of development that may lead to harm, at DPG2 (substantial) and DPG3 (less than substantial). Given my findings above with respect to the scale of the development, substantial harm would not arise in this case. In other respects, the proposal would not increase the prevailing density, would not deviate from established building lines or increase sense of enclosure along the street. It would not result in a net loss of garden space, nor impair the quality of internal or external views, and would not diminish the prominence of the OEHs within their settings. The chosen architectural detailing and material palette would be appropriate, particularly for the front façade, which would represent a marked improvement over the existing garages. Accordingly, I find no demonstrable conflict with this guidance.
19. Having regard to the five core elements of The Park's character and appearance set out in the CAAMP, I agree that the proposal would have a neutral effect on Core Element 1: Landscape - Layout, Grain and Open Spaces, given its integration with the scale and pattern of development in the street and retention of the hierarchy with the OEH.
20. Moreover, the site is in a dilapidated condition at present and makes a negative contribution to the streetscene. It exhibits no characteristics of the historic coach houses beyond its general size and the fact that it was most recently used as garages. The proposal would enhance the frontage of the site through the well-considered façade and would return it to active use. As such, it would have a positive effect in terms of Core Element II: Scenes – Streets, Gardens & Gateways.
21. As set out above, the proposal would achieve a suitable overall appearance, exhibiting high quality, bespoke architectural design that would contribute positively to Core Element III: Built Architecture. Moreover, my findings that the views towards the OEH would be largely preserved means the impact of the proposal would be neutral in terms of Core Element IV: Landmarks and Views. Core Element V is concerned with setting, but mainly in respect of the estate as a

whole and its connections beyond the boundaries of the conservation area. So far as is relevant to the proposal, it would maintain the tranquil character of the estate.

22. Overall, therefore, I conclude that the proposal would preserve the character and appearance of the PCA, and its heritage significance. No conflict arises with Policies 10 and 11 of the Aligned Core Strategies Part 1 Local Plan (September 2014) (the ACS) or Policies DE1, DE2 and HE1 of the Local Plan Part 2: Land and Planning Policies Document (January 2020) (the LAPP), which together require high quality development that makes a positive contribution to the public realm and sense of place; respects the townscape and character of the area; reinforces positive local characteristics and conserves or enhances the historic environment in line with the historic interest and significance of the heritage asset.

Living Conditions

23. The Council points to the development resulting in a loss of light and overshadowing and overbearing impacts on the neighbouring property at 8 Holles Crescent, specifically due to the proposed first floor section that would extend 2.3m beyond the depth of the rear wall of No 8.
24. No 8 is a two storey dwelling with a deeply sunken courtyard garden to the rear that sits well below the level of the garden on the appeal site. The dwelling has a slightly recessed first floor level with a balcony above the deeper ground floor element. From my observations, the aspect from the rear windows of No 8 focuses inward to the courtyard, due to the high side boundary wall with the appeal site and significant tree cover to the rear. I also observed the nearest two windows at rear first floor level to be obscurely glazed.
25. The extent to which the first floor massing would project beyond the rear building line of No 8 would be modest compared to the overall depth of the garden and height of the boundary wall. Moreover, its visibility would be lessened due to it being recessed some 1.335 metres in from the boundary. The appellant has also demonstrated that the first floor element would not breach a 45 degree line drawn from the nearest point of the closest window. Therefore, the massing would add limited built form in a peripheral position to the side of the neighbouring dwelling, that would not intrude significantly into the views from the rear windows.
26. The shape of the first floor element, with the roof pitching away from the neighbouring property, would also reduce the degree to which the massing is perceived from the neighbouring property, and having regard to its position to the side and the existing high degree of enclosure provided by the boundary wall and mature trees, the proposal would not lead to a significant additional overbearing or enclosing effect on neighbours. Nor would this modest extent of massing lead to a harmful loss of sunlight or daylight to the neighbouring property.
27. The Council has not alleged harm to other neighbours, but objection has been raised by a neighbour to the rear in the OEH with respect to a loss of privacy. There would be some intervisibility between the appeal site and the upper floors of No 5, but given the distance and upward angle of view for proposed residents, these would not be invasive views that would harm neighbours' living conditions. Views between the respective garden levels would be screened by a proposed native hedgerow that would replace the existing close boarded fence. I am satisfied that there would be no undue harm to the living conditions of occupants of the OEH to the rear of the site.

28. Therefore, I conclude that the proposal would preserve the living conditions of neighbouring occupants, and no conflict would arise with Policy 10 of the ACS or Policy DE1 of the LAPP in terms of their requirements that developments achieve a satisfactory level of amenity for occupiers of neighbouring properties.

Trees

29. The Council's reason for refusal was based on the appellant's initial tree survey being some five years old and therefore not up to date. The appellant has subsequently re-surveyed the site, with the trees in question similar in overall size. An updated Arboricultural Impact Assessment (AIA) sets out that two trees would need to be removed from the site to facilitate the development, a cherry plum (T2) and a holly (T6) situated to the rear of the garage close to either boundary. Both are categorised as C2, and are significantly smaller than other trees on and around the site. The Council has chosen not to comment on the updated information provided. In light of the C2 categorisation of the trees and their relatively modest size and recessed position, they make a limited contribution to the visual amenity of the area and their removal would not harm the overall character of the PCA, given the much greater size and spread of trees which would be retained.
30. The proposal would involve significant excavation works within the site. The appellant's evidence is that these would extend close to, and possibly marginally within, the root protection areas (RPAs) of trees T2 (sycamore) and T3 (red oak) located just beyond the rear corner of the site in the garden of 5 Cavendish Crescent South. There would also be potentially more significant incursion into the RPA of the street tree immediately in front of the site (T1 – fern-leaved beech), which is shown to extend under the existing garages and No 8 next door.
31. The appellant proposes to address this through the use of specific techniques to protect existing roots. This includes use of an air spade for excavation to establish the locations of roots and employing a 'pile and beam' method with small mini piles being positioned between the roots in holes dug by hand. Elsewhere, no dig methods are proposed for hardstanding within the RPA, which would also be permeable, as well as other measures including fencing and ground protection. It is also proposed to stagger deliveries to reduce the amount of material stored on site that may risk damage to roots.
32. In the absence of any commentary from the Council, I have no substantive reasons to doubt the feasibility of the proposed methods, which have been prepared by a qualified professional. On the evidence before me, therefore, I am satisfied that the proposal would safeguard existing trees and preserve the visual amenity of the area and the verdant appearance of this part of the PCA. No conflict therefore arises with Policy EN7 of the LAPP which seeks to retain and protect existing high value trees.

Other Matters

33. I have had regard to the planning history of the site, noting that a fall-back position exists for the appellant to continue to implement planning permission granted in 2022 (Council Ref 19/02205/PFUL). However, given my findings above, the presence of the fall-back is not determinative of this proposal, and it is not necessary to address it further.

34. I have noted points raised by the Council with respect to taking a consistent approach to similar developments, notably referring to development next door at 14 Holles Crescent. The appellant points to differences between the two sites, notably that the building on the adjacent site was capable of conversion, whereas the existing building on the appeal site has fallen into a ruinous state. Ultimately, I do not have full particulars of other developments in the area, and have determined this proposal on its own planning merits.
35. I note concerns raised regarding potential structural problems to neighbouring properties arising from the proposed excavation on site. Such matters are beyond the scope of this appeal, but would fall to be addressed by the developer under separate legislation, such as the Party Wall Act.
36. An issue is raised regarding the accuracy of boundary lines drawn on plans, but there is no precise detail given as to the exact nature of any discrepancy. No issue has been raised by the Council and, so far as I am aware, neighbours have been properly notified of the application and appeal. Any issue in this respect would be a matter for individual parties to address separately.

Conditions

37. In addition to the standard time limit, a condition setting out the approved plans is necessary, to provide certainty. Details of external materials and fenestration are also required to ensure a suitable standard of development within the conservation area, as are details of hard and soft landscaping.
38. Conditions are also required to ensure that the protective measures set out in the appellants Tree Protection Plan are implemented, and a monitoring system is employed to oversee tree protection during the construction process. These conditions are pre-commencement as they relate to matters which must be put in place from the outset of development if they are to be effective.
39. It is necessary to require all doors and windows to the front elevation to open inwards, in the interest of pedestrian safety.
40. Finally, it is necessary to restrict permitted development (PD) rights to extend the dwelling under Classes A, AA, B, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the site's location within the conservation area, the bespoke nature of its design and the proximity to neighbouring dwellings and trees mean that further development under PD may give rise to unintended adverse effects to the appearance of the area or neighbours' living conditions.

Conclusion

41. For the reasons set out, I conclude that the proposal would accord with the development plan, taken as a whole, and there are no material considerations that indicate permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K Savage

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 the following drawing numbers:
 - PL000 (Location Plan)
 - PL500 (Block Plan)
 - PL100 (Existing Site Plan)
 - PL110 (Existing Ground Floor Arrangement Plan)
 - PL111 (Existing Roof General Arrangement Plan)
 - PL120 (Existing Elevations Sheet 1)
 - PL121 (Existing Elevations Sheet 2)
 - PL510 (Proposed Ground Floor General Arrangement Plan)
 - PL511 (Proposed First Floor General Arrangement Plan)
 - PL520 (Proposed Section Elevations Sheet 1 of 4)
 - PL522 (Proposed Section Elevations Sheet 3 of 4)
 - PL523 (Proposed Section Elevations Sheet 4 of 4)
- 3) Notwithstanding Condition 2, no development apart from demolition shall take place until details of the following have been submitted to and approved in writing by the local planning authority:
 - a) Details and samples of all new facing materials to be used in the construction of the new dwelling.
 - b) Large scale i.e. 1:20 drawings of the new windows and doors.The development shall be carried out in accordance with the approved details.
- 4) No development shall commence on site until trees on and adjacent to the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction, in accordance with the details set out under Tree Protection Plan: Rev A (dated 25 January 2025 by AT2 Tree Surveys). Within the protected areas there shall be no alteration to ground levels, amendments to foundations, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless in accordance with details first submitted to and agreed in writing by the local planning authority.
- 5) No development shall take place until an auditable scheme of arboricultural site monitoring by the appointed project arboriculturist has been approved in writing by the local planning authority. The scheme shall be appropriate to the scale and duration of the works and shall include details of:
 - a) Induction and personnel awareness of arboricultural matters
 - b) Identification of individual responsibilities and key personnel
 - c) Statement of delegated powers

d) Timing and methods of site visiting and record keeping, including updates

e) Procedures for dealing with variations and incidents.

The development shall be carried out in accordance with the approved details and the scheme shall be administered by a qualified arboriculturist instructed by the applicant and approved in advance by the local planning authority.

- 6) Prior to the development being first occupied, a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The soft landscaping details shall include the type, height, species and location of the proposed trees and shrubs, with at least one tree provided for the new dwelling. Notwithstanding the drawings approved under Condition 2, the hard landscaping details shall include the location and extent of all hard surfacing areas and their material finish.

The approved hard landscaping and means of enclosure shall be completed prior to first occupation of the dwelling.

The approved soft landscaping shall be completed during the first planting season following the commencement 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

- 7) All gates, doors, boundaries, fixtures & fittings forming part of the development hereby permitted shall be installed so as not to open outwards over the footway or carriageway.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, D or E of Part 1 of Schedule 2 to the Order shall be undertaken without a further grant of planning permission.
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