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## Appeal Decision

Site visit made on 27 August 2025

by **S Wilkinson BA, BPI, Dip LA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

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**Appeal Ref: APP/J3015/W/25/3363990**

**Land to the north of Beeston Lock, Riverside Road, Beeston, NG9 1NR**

- 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 Beeston Marina Limited against the decision of Broxtowe Borough Council.
  - The application Ref is 23/00447/FUL.
  - The proposed development is for 29 apartments with associated parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Following the Council's decision, revised elevational drawings involving the removal of balconies from Block B and the introduction of glazed privacy screens to Block A were submitted with the appeal. These revisions are materially different from the plans on which parties were consulted and on which the Council's decision was based. Acceptance could prejudice interested parties and infringe the Wheatcroft principles<sup>1</sup>. Accordingly, the revised plans are not accepted.
3. The Development Plan comprises the Greater Nottingham Aligned Core Strategy (Part 1 Local Plan 2014) and Broxtowe Part 2 Local Plan 2019.

### Main Issues

4. The appeal raises the following:
  - The effects of the appeal scheme on the character and appearance of the area including on the non-designated heritage assets of the Canalside Heritage Centre, Beeston Lock and the Lock Keeper's Cottage,
  - The effects of the appeal scheme on the living conditions of existing occupiers, and
  - Its effects on highway safety.

### Reasons

#### *Character and appearance*

5. The appeal site is an irregularly shaped and overgrown area occupied by several static caravans with hardstanding for several others which have been removed. The site is located on the edge of Beeston by the Beeston Canal and marina. To the south of the site is the flood plain of the River Trent and open countryside.

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<sup>1</sup> Bernard Wheatcroft JPL 1982

6. The area's developed character is informed by a decrease in the scale and form of development on the approach from the north towards the canal basin and marina. A distinction can be drawn in the character of the area around the appeal site comprising bungalows and static homes whereas to the north development generally comprises two storey semi-detached and terraced properties and further south more recent development includes occasional blocks of three and four storey apartments.
7. The site lies by the Beeston Lock, opposite the Lock Keepers cottage and the Canalside Heritage Centre located in two former cottages. These are identified as non-designated heritage assets (NDHA) and it is considered date from around the early 1800s. Together they create a distinctive sense of place. Their significance derives from their historical and aesthetic relationship to the Beeston canal.
8. Into this context the appeal scheme comprising two three storey blocks with raised basement parking of a height of between 9.5-11.5m would be an outlier comprising large scale development. It would appear as a dominant feature in the area resulting from its height and from the juxtaposition and proximity of the two blocks to each other. Given their physical relationship, they would appear as a single large block in views from both the east and west from along the canal and adjacent roads. This scale of development adversely contrasts with the domestic scale of development in the locality and in particular the NDHAs.
9. Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014) together require development to integrate into its surroundings, make a positive contribution to the public realm, create a locally inspired or otherwise distinctive character and sense of place. Specifically, policy 23 of the Aligned Core Strategy and policy 11 require that elements of the historic environment which contribute towards the unique identity of areas that help create a sense of place, will be conserved.
10. I acknowledge that there are other tall buildings in the locality including 208 Canal Road the Boat and Horses public house but these represent the exception and are designed in traditional form with pitched roofs. The three and four storey blocks cited in the appellant's evidence form part of new estate development and are located several hundred metres from the canal side and are surrounded by existing development. They have a completely different context from the appeal site and the form of design represents a large block dwarfing the neighbouring development.
11. The adverse impacts would be experienced particularly on the three non-designated heritage assets which given their proximity define a distinctive sense of place on the canal side. I acknowledge that engineering works dating from the twentieth century have compromised their historic relationship, but this still survives intact.
12. The kinetic experience derived from movement along the canal towards the NDHAs would be interrupted by the presence of the proposed scheme. Whilst historic images identify that a two storey building formerly existed on the site the scale and character of the proposed scheme would be far greater. For these reasons, the level of harm arising would be substantial.
13. Other examples of three storey development, cited by the appellant, including those on other parts of the canal such as Boulevard Wharf and Greystacks have an urban

context and their local topography contrasts starkly with the open and natural character surrounding the appeal site.

14. From an overview of the appeal decisions by my Inspector colleagues<sup>2</sup> referred to by the appellant, it is clear that whilst each of these has a more urban context than the appeal site they are for smaller developments. Whilst the Shoreham decision is for more flats the grain of development which surround it bears little comparison to the appeal site, The context of each site is unique and in this I find that the appeal scheme would not inspire local character.
15. In summary the massing and design of the appeal scheme does not reflect the character and the sense of place with reference to its context and the setting of the non-designated heritage assets. Whilst the site is currently under used and detracts from its immediate surroundings, the appeal scheme is not an appropriate design response to the exigencies and context of the site. For these reasons the appeal scheme conflicts with policies 11 and 17 of Part 2 of the Local Plan and policies 11 and 23 of the Aligned Core Strategy.

### *Living conditions*

16. The scale of the appeal scheme and its location on the back edge of the pedestrian footway leads to it having a dominant and overbearing presence on the bungalows and static homes located opposite; this impact derives from the contrasting forms of development which are so closely juxtaposed.
17. I recognise that the site has a contemporary design, but it lacks references to both the immediate context defined by the area which lies immediately to its south. It would be overbearing caused by its height on the back edge of pavement fronting Riverside Road. Rather than appearing as a welcome landmark feature leading to regeneration it is abrupt and would sit as a stark and imposing feature adversely impacting on the wider townscape and streetscene.
18. Whilst the plan form of the scheme involving a staggered frontage and a reduction in height on part of its frontage to Riverside Road would partially alleviate its impact these features would not overcome its adverse impact on surrounding properties. Nor would these changes address the unsympathetic relationship of the scheme to the static homes to the west in Lock Close.
19. I acknowledge, however, that through a combination of separation distances and the orientation of No. 2 Riverside Close there would be no direct overlooking into habitable rooms of this property. Similarly in respect of the two properties at 4 and 6 Riverside Road their location away from their respective frontages reduces intrusion into privacy.
20. For these reasons, I find that the appeal scheme conflicts with policies 10 of the Aligned Core Strategy and policy 17 of Part 2 of the Broxtowe Local Plan which requires that new development integrates into its surroundings and ensures a satisfactory level of amenity for occupiers of neighbouring properties. I conclude that the appeal scheme conflict with these policies by reason of its overbearing impact..

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<sup>2</sup> APP/J3015/W/24/3344388, APP/J3015/W/23/3322618, APP/J3015/W/21/3279512, APP/Y3805/W/23/3315854

### *Highway Safety*

21. The roads around the appeal site have double yellow lines around junctions with limited parking restrictions along both Riverside and Canal Roads. The appeal scheme includes 16 basement parking space accessed from Riverside Road. This amount of parking is within the Highway Authority's Design Guide.
22. The Council's objection relates to the lack of off street parking which would result in increased on street parking in an area where parking spaces are at a premium due to the proximity of the canal and heritage centre, popular as a visitor destination. However, I have only anecdotal comments included in the Council's statement and no actual evidence to demonstrate that the appeal scheme could lead to excessive on street parking which could prejudice highway safety. The site lies on a bus route with regularly services which could provide alternative means of transport to the City Centre.
23. Local roads are broad and straight allowing for clear sight lines. Although there is an absence of pedestrian crossing points around the appeal site, I have no evidence that the appeal scheme would reduce highway safety.
24. For the above reasons I conclude that the appeal scheme would not conflict with policy 10 of the Broxtowe Aligned Strategy and policy 17 of Part 2 of the Broxtowe Local Plan

### **Other Matters**

25. Lying several hundred metres to the south east of the appeal site, Clifton Hall, dating from the seventeenth century is a Grade 1 listed building set in a listed garden dating from around 1630. Its location affords views over the River Trent. Its significance is derived from its architecture and gardens and elevated position above the river. Due to intervening topography, intervisibility between the appeal site and the asset is limited and I have no evidence of any functional relationship between this asset and the appeal site. Accordingly, the appeal scheme would not undermine the significance of this asset.

### **Conclusion**

26. Ministerial Statements and the Framework place considerable importance on the provision of housing. Whilst these matters are important in making balanced judgements as required by Paragraph 216 of the Framework the scale of harm arising to the three NDHAs overcomes arguments in favour of such a large housing scheme on this site.
27. Whilst I find that there would be no conflict with policies 17 and that there would be no overlooking to adjoining properties, the determining issue in this appeal is the overbearing and dominant impact the scheme would have on the character of the surrounding area. There are no material considerations which would warrant an exception to the policies of the Development Plan when considered as a whole.
28. For these reasons, the appeal is dismissed.

*S Wilkinson*

INSPECTOR



