
Appeal Decision

Site visit made on 30 September 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/N3020/W/25/3369656

67 Queen's Avenue, Gedling, Nottinghamshire NG4 4DW

- 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 Mario Rama against the decision of Gedling Borough Council.
 - The application Ref is 2024/0862.
 - The development proposed is a new 2-bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new 2-bed dwelling, at 67 Queen's Avenue, Gedling NG4 4DW in accordance with the terms of the application, Ref 2024/0862, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area; and
 - whether there would be satisfactory living conditions for the future occupiers of the proposed dwellinghouse with specific regard to outdoor space.

Reasons

Character and Appearance

3. The appeal site is located in an area with a mixed character where a number of different phases of development are apparent. The host dwelling is at the end of a terrace of four properties. The two middle properties of the row have long linear rear gardens to the rear, whilst the two outer properties have predominantly side gardens extending out to Mountbatten Grove and Besecar Avenue respectively. Queen's Avenue slopes downwards from north-west to south-east.
4. To the south-west of the appeal site is a pair of semi-detached dwellings which face Besecar Avenue, a road which slopes downwards from south-west to north-east. These brick-faced dwellings contrast with the existing dwelling on the appeal site and its adjoining properties which are faced with render and painted in different colours.

5. On the north-eastern side of Queen's Avenue is Marion Murdoch Court, a collection of dwellings arranged in a staggered U-shape which face onto a central parking area. To the north, across Besecar Avenue, are terraces of four dwellings which are set at an angle to the street, some of which are accessed via flights of steps because of the level change between the road and the houses.
6. Thus, when standing at the junction of Queen's Avenue and Besecar Road, a variety of types of housing, architectural styles and materials can be seen. Taken together with the local topography and the differing approaches that have been taken to the siting and orientation of dwellings in the local area, there is no single, consistent type or pattern of development; the established character of the area is one of variety rather than homogeneity.
7. The appeal site is not currently undeveloped; it is occupied by a relatively low, flat-roofed garage, associated hardstanding and a garden area. Although the garage is not unduly prominent or dominant, it nevertheless presents as a utilitarian structure and does not make a positive contribution to the street scene.
8. The appeal scheme, which would be of a similar scale, massing and design to other dwellings nearby, would result in a marked improvement to the appearance of what is a relatively prominent corner site. Whilst it would represent a change to the layout of the area, it would be read in the context of the dwellings on Besecar Avenue in a similar manner to the detached dwelling that has been constructed on an end-of-terrace site at the junction of Besecar Avenue and Phoenix Avenue (56 Besecar Avenue) and, therefore, would not appear to be out-of-place.
9. Furthermore, although the Council notes that the appeal scheme includes only one on-site parking space, many dwellings in the local area have no on-site parking and I note that the Council has not suggested that the proposed parking provision conflicts with any policy.
10. Overall, I consider that the appeal scheme would be appropriate to its surroundings, that it would not be at odds with the prevailing character and pattern of development, and that it would be sufficiently spaced from its neighbours so as to not result in a cramped form of development. Therefore, it would comply with Policy 10 1c) of the Gedling Borough Council Aligned Core Strategy (2014) (CS) and Policies 34 ii) and 40 1) of the Local Planning Document Part 2 Local Plan (LPD) which together seek development that reinforces valued local characteristics, satisfactory plot sizes and positioning of buildings, and a high standard of design.

Living Conditions of Future Occupiers of the Proposed Dwellinghouse

11. The second reason for refusal relates to the appeal scheme's small garden which, according to the Council's officer report, would be roughly 3m by 5m and would mean that the occupiers of the proposed dwelling would not have an acceptable level of amenity. Whilst the reason for refusal concludes that the appeal scheme would be contrary to CS Policy 10 2 f) and LPD Policies LPD 32 b) and c) and LPD 40 a) 3, each of these policies relate to the effect of development on nearby residents or occupiers rather than the living conditions of the future occupants of development proposals.

12. The Council has also stated that there are alternative sites where such a development could be accommodated and where levels of future amenity would be considered satisfactory. However, there is no policy basis that requires me to consider alternative sites in this case and therefore I must consider the scheme before me on its own merits.
13. The Council has not suggested that there are any policies which prescribe a minimum amount of outdoor space in new residential developments and whilst it has also referred to the Small Sites (1 to 9 dwellings) Design Code (2024) in its Statement of Case, that document does not prescribe minimum outdoor areas. Furthermore, the Council has not referred to any specific provisions in that document which would support its conclusion regarding the insufficiency of outdoor space.
14. The appellant has argued that the proposed outdoor space would allow the future occupants to sit out, store bins, hang washing and grow plants. Ultimately, I consider that it would be a matter for prospective occupiers of the property to decide whether the outdoor space would meet their needs, just as would be the case for those contemplating a move into a flat that might only have a balcony or an older terraced house where the only private outdoor space is a small back yard.
15. In the absence of any express requirements relating to the amount of outdoor space I do not identify any conflict between the size of the rear garden and the Council's development plan policy and related guidance. Furthermore, given that no issue has been raised regarding the effect of the outdoor space on the occupiers of neighbouring properties, I conclude that the appeal scheme does not conflict with CS Policy 10 2 f) and LPD Policies LPD 32 b) and c) and LPD 40 a) 3, all of which relate to the effect of development on the living conditions of nearby residents or occupiers.

Conditions

16. I have reviewed the conditions proposed by the Council, all of which the appellant has agreed to, in light of the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance.
17. 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, for the avoidance of doubt and in the interests of certainty.
18. A further condition requiring samples of the materials to be approved is also necessary to ensure that the appearance of the appeal scheme is satisfactory. However, it is not necessary for this condition to be discharged prior to the commencement of development as suggested by the Council. Accordingly, I have changed the trigger for this so that works may take place up to slab level before the details need to be approved.
19. Whilst the Council proposed a condition requiring that an electric vehicle charging point is provided in accordance with Part S of the Building Regulations, given that Part S already sets out a requirement to provide electric vehicle charging at all residential development that has associated parking spaces, a planning condition is not necessary.

20. The Council has also proposed two conditions relating to a Biodiversity Gain Plan (BGP). The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) (the Act) is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless: (a) a BGP has been submitted to the planning authority, and (b) the planning authority has approved the plan. The conditions proposed by the Council would duplicate the provisions of Schedule 7A of the Act and, therefore, are not necessary.

Conclusion

21. The appeal scheme would make a contribution to the supply of new homes, a consideration to which I attach significant positive weight, and I have not identified any considerations that would outweigh that benefit. Accordingly, I consider that the appeal scheme complies with the development plan taken as a whole such that the appeal should be allowed, and that there are no material considerations which suggest that an alternative conclusion should be reached.

P Burley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development must be begun not later than three years beginning with the date of this permission.
- 2) The development shall be carried out in accordance with the following plans:
 - The Location Plan (received 2 December 2024)
 - Proposed Floor Plans (received 21 February 2025)
 - Proposed North East and North West Elevations (received 21 February 2025)
 - Proposed Site Plan (received 21 February 2025)
 - Proposed South West and South East Elevations (received 21 February 2025)
- 3) No development above slab level shall take place until details of the external materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) No part of the development hereby permitted shall be brought into use until the dwelling has a dropped vehicular crossing of the footway which is available for use and has been constructed in accordance with the Highway Authority specification to the satisfaction of the local planning authority.
- 5) No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway and full height kerbs.
- 6) No part of the development hereby permitted shall be brought into use until the access drives / parking areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 6.0 metres behind the highway boundary. The surfaced drives / parking areas shall then be maintained in such hard-bound material for the lifetime of the development.
- 7) No part of the development hereby permitted shall be brought into use until both access driveways / parking area are constructed with provision to prevent the unregulated discharge of surface water from the driveway / parking area(s) to the public highway in accordance with details first submitted to and approved in writing by the local planning authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the lifetime of the development.
- 8) Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during site preparation and construction shall be submitted to and approved in writing by the local planning authority. The CEMP must be prepared with due regard to guidance produced by the Council on the assessment of dust from demolition and construction and include a site-specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

End of Conditions