



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: 16 October 2025

Appeal Ref: APP/P3040/W/25/3368338

Grafton and Welbeck House, 67-69 Loughborough Road, West Bridgford, Nottingham NG2 7LA

- 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 Rockwood Developments Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref is 24/01261/FUL.
 - The development proposed is described as 'Proposed demolition of Grafton House and Welbeck House and construction of 32 No apartments, including car parking and alterations to existing vehicular access.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area;
 - the effect of the appeal scheme on the living conditions of nearby properties, with particular regard to overlooking and privacy;
 - the effect of the appeal scheme on non-designated heritage assets; and
 - flood risk.

Reasons

Character and Appearance

3. The appeal site is located close to a busy road and on the eastern side of a large road junction. To the south and east of the appeal site land uses are predominantly residential and to the north is a four-storey flatted development, Cambridge Court. To the west, across Loughborough Road, is a car park which sits in front of Welbeck Hall, a wedding venue. To the south of this is The Point, a predominantly three-storey building which follows the curve of the road junction. Across the junction is a block of flats which is four storeys high on the corner where Loughborough Road and Wilford Lane meet. Thus, the wider context of the appeal site is varied and includes a number of multi-storey developments.
4. The existing buildings on the appeal site are of a similar character to other buildings on the eastern side of Loughborough Road / Melton Road, many of

which read as large detached or semi-detached dwellinghouses of up to four storeys (including lower-ground floors and accommodation set within the roof). The historic mapping in the Design and Access Statement indicates that these were built on hitherto undeveloped land somewhere between 1885 and 1901. Whilst built more recently, the layout and massing of Cambridge Court appears to be a response to this context, including the staggered blocks, a characteristic that is also apparent on the appeal site where the two existing buildings (Welbeck House and Grafton House) are set back at different distances from the road. Unlike the built environment on the western side of Loughborough Road, there is an overall coherence to the character of development on its eastern side.

5. Whilst there would be some modulation of its western elevation, the appeal scheme would nevertheless appear as a large, single block, broadly following the same building line and with a massing that is unlike other buildings on the eastern side of Loughborough Road. Apart from a centrally-positioned column of windows that would serve an internal corridor, the southern façade of the appeal scheme would be a plain brick elevation lacking in interest, replacing the visually-strong and positive presence of Welbeck House. This would be particularly noticeable given the appeal site's very prominent position where major roads converge. Furthermore, the open parking area at ground floor level would be visually weak when compared with the floors above, resulting in a top-heavy appearance.
6. Whereas the existing buildings on the appeal site are set in a relatively generous amount of space which also separates them from neighbouring buildings, the footprint of the building would occupy a large part of the site, appearing as a cramped and over-intensive form of development that would be out-of-scale with its surroundings, anomalous in the street scene and at odds with the pattern and grain of the surrounding built environment on the eastern side of Loughborough Road.
7. The large footprint would also limit opportunities for landscaping and amenity areas, and space for larger vehicles, such as refuse trucks, to enter the site; indeed the appellant's Transport Statement notes that refuse collection would occur kerbside on Patrick Road per the existing arrangements, suggesting that the 1,110 litre bins shown on the proposed drawings would need to be conveyed from the refuse store to the public highway via the access road to the site which could result in conflict with those wishing to access or leave the site. The Transport Statement is also silent on how other deliveries / collections using large vehicles would be carried out.
8. Overall, whilst the site may be capable of accommodating a multi-storey development that is denser than the existing development, the appeal scheme fails to successfully assimilate with its immediate context, would be at odds with the pattern, grain and general design quality of the surrounding built environment, and therefore would not represent an adequate standard of design. Consequently, I conclude that the appeal scheme would harm the character and appearance of the area and therefore would conflict with Policies 1(3) and (4) and 11(1)(b) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP) (2019) which together seek development that provides sufficient ancillary amenity and circulation space; that is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area in terms of scale, density, height, massing, design, layout and materials; that does not lead to an over-intensive

form of development; and which is of a high standard of design and does not adversely affect the character or pattern of the area.

Living Conditions of Nearby Occupiers

9. 1A and 1B Patrick Road are two-storey dwellinghouses which are located to the east of the appeal site. The entire western elevation of no. 1A, which adjoins the appeal site, is a blank brick wall without windows and a single-storey projection from the main dwellinghouse separates the appeal site from the rear garden of no. 1A.
10. The appellant has noted that the proposed building would be significantly higher than the existing buildings and, when compared with Welbeck House, would be closer to the neighbour's western boundary. Whilst there would be an access road and open-air parking between the proposed building and the boundary of no. 1A, the combination of the large single building wrapping around the western and northern sides of no. 1A and the additional height when compared with the existing situation would result in a dominant and overbearing relationship that would be harmful to the living conditions of the occupiers of no. 1A in terms of both outlook and overshadowing.
11. The north-south range of the proposed building would have primary windows facing nos. 1A and 1B which the appellant has stated would be approximately 15m from the boundary between nos. 1A and 1B. Thus, no. 1A would be less than 15m from the nearest windows in the appeal scheme. Although to some extent the rear extension / projection from 1A would block some views into the garden of 1A, there would still be views into the garden of no. 1B and towards the rear windows of both properties from a number of windows on different floors of the appeal scheme. Because of their proximity and the potential for direct overlooking, I consider that this would result in a harmful effect on the living conditions of the occupiers of both of those properties in respect of privacy.
12. With regard to the windows on the northern elevation of the appeal scheme and the southern elevation of Cambridge Court, the appellant has provided a drawing which illustrates that these would not directly face each other. Whilst there may be some potential for overlooking, I noted on my site visit that the windows in question in Cambridge Court have obscured glazing and together with the oblique angle between the existing and proposed windows, I do not find it likely that there would be a harmful effect. However, taking account of the overlooking and privacy issues in relation to 1A and 1B Patrick Road, I conclude that the appeal scheme conflicts with LPP Policies 1(4) and 11(1)(f) which say that development should not be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy, and should not cause a significant adverse impact on the amenity of nearby residents and occupiers.

Effect on Non-designated Heritage Assets

13. The Council and the appellant agree that Grafton House and Welbeck House, which the appellant proposes to demolish, are non-designated heritage assets.
14. Paragraph 216 of the National Planning Policy Framework (the Framework) says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Thus, it is necessary to understand the significance of the heritage assets.

15. Whilst in the period before demolition was originally proposed the Council did not take any proactive action to designate a conservation area including the appeal site, to include the buildings on a local list, or to issue an Article 4 Direction (A4D) to restrict the ability to demolish the buildings, it does not necessarily follow that this is indicative of the Council's opinion on the assets' significance. Similarly, the inclusion of only one other building in the A4D that was eventually made by the Council does not necessarily indicate that a wider group relationship does not exist.
16. Given that there is not an agreed position regarding the relevancy to this appeal of the A4D that has been made to prevent the demolition of the buildings on the appeal site, I have based my assessment on the significance of the assets themselves by reference to the information that has been submitted by all parties and my visit to the site.
17. I consider that they have a moderate degree of significance which is derived from their architectural and local historic interest in terms of large and good-quality villa-style houses that reflect the origins of residential development in the area. They also have some value as part of a wider group of other contemporary dwellings which share a similar palette of materials, detailing and architectural language. The proposed demolition would result in the total loss of significance of these non-designated heritage assets.
18. Although they differ in the weight that should be ascribed to the benefits of the appeal scheme, both the Council and the appellant have said that it would result in social and economic benefits through the provision of residential units in a sustainable location, that the proposed building would be more energy-efficient and that the introduction of some landscaping on the site, which is currently hard-landscaped, would be beneficial. The appellant has also noted that there is a particular need for the smaller residential units that are proposed. Given the general need for new housing and the support for housing in the Framework, these are matters to which I attach a significant degree of positive weight.
19. In addition, the appellant has argued that it is of significance that the Council has a 'marginal credit' of 0.2 years (equivalent to 166 dwellings of a total requirement of 4,514 dwellings) over and above the minimum five-year supply requirement and that there is a high likelihood that the Council will enter a deficient supply position. However, no evidence has been provided to demonstrate the Council's housing land supply position or to support the appellant's suggestion. Therefore, I must take account of circumstances at the time of my decision where, as the appellant acknowledges, there is a five-year supply of housing land.
20. National planning policy does not preclude the demolition of non-designated heritage assets but a balanced judgement must be made. Whilst the redevelopment of this site would result in some benefits as noted above, as also discussed above it would result in harm because of the lack of design quality and the effects on neighbouring occupiers. These issues cannot simply be set aside for the sake of housing delivery and are matters to which I attach a significant degree of negative weight, not least given the emphasis on good design in the

Framework and that the harm would be enduring. Thus, and whilst a ‘truly exceptional’ or ‘outstanding’ design may not be required to justify the demolition of a non-designated heritage asset, making a balanced judgement I find that the total loss of significance of the non-designated heritage assets would not be outweighed by the benefits of the appeal scheme and that the loss has not been justified.

21. Whilst the appellant has said that it is relevant to consider the future prospects of the buildings on the appeal site without redevelopment, that they are not suited to modern business use or that their use for residential purposes would not meet identified housing needs in the borough, there is no evidence before me to demonstrate that the appeal scheme is the only viable outcome for the appeal site.
22. Therefore, I conclude that the appeal scheme conflicts with LPP Policies 11(1) and 28 which together say that proposals should not result in the loss of non-designated heritage assets unless the loss of significance to the asset is justified.

Flood Risk

23. Following changes to the proposed development the Environment Agency (EA) objected on the basis that the finished floor levels of the ground floor communal access hallway and bike storage area were not known and therefore that the flood risk assessment did not adequately assess the flood risks posed by the development.
24. However, the drawing showing the revisions (P/LW/24/007C) indicates that the ground floor finished floor level (FFL) serving the communal hallway and bike store would be 24.5m AOD. This is the same FFL as shown on P/LW/24/007A, on the basis of which the EA raised no objection subject to conditions.
25. In its appeal statement the EA has acknowledged that the drawings do indicate a FFL of 24.5 AOD but that the appeal scheme lacks a safe dry access / egress point for use during evacuation and that this should be no lower than 25.36m AOD. Whilst the appellant has noted that this would be impractical, that other proposals in the area have been approved with an FFL of less than 25.36m and that it is unclear why the approach that has been taken on the appeal site is deemed unacceptable by the EA, I have not been provided with information to allow me to understand the reasons why other developments might have been approved with an FFL of less than 25.36m.
26. Therefore, in light of the unresolved objection from the EA, I find that a satisfactory FRA has not been submitted and therefore that the appeal scheme does not comply with paragraph 181 and footnote 63 of the Framework which require a satisfactory site-specific flood risk assessment for all development in Flood Zones 2 and 3.

Other Matters

Planning Obligation

27. Whilst noting that there was not a reason for refusal relating to the absence of a legal agreement, the appellant has submitted a unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990 (as amended). This provides for contributions towards allotments, bus stop infrastructure, healthcare

provision, play areas and education. It would also secure 20% of the proposed residential units as affordable private rent and 80% as private build-to-rent units. Such provisions are consistent with the Council's Development Requirements Supplementary Planning Guidance (2003), Affordable Housing Supplementary Planning Document (2022) and draft Development Contributions Supplementary Planning Document (2025). As such I consider that the planning obligation is necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development, and therefore compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Other Policy Considerations

28. The appellant has argued with reference to paragraph 125 c) of the Framework that the appeal site is brownfield land and that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. However, paragraph 125 of the Framework also supports the development of under-utilised land and buildings for housing, including the conversion of existing space. Thus, there is a clear distinction between land which is already developed with existing buildings and brownfield land in this paragraph of the Framework and therefore I do not agree that policy relating to brownfield land should be taken into account in this case.
29. The appellant has also argued, with reference to paragraph 232 of the Framework, that as the Rushcliffe Core Strategy (2014) and LPP were adopted more than five years ago and the current housing target (calculated using the standard method) is 36% higher than that upon which the development plan was based, that the relevant policies of the development plan will be out-of-date regardless of any other consideration and, as a consequence, paragraph 11 d) of the Framework is engaged.
30. However, this provision in the Framework refers to housing land supply and there is no disagreement between the parties that the Council has a five-year supply of housing sites. Furthermore, in this case I consider that the policies which are most important for determining the application relate to design, living conditions, the historic environment and flood risk, that the relevant development plan policies are consistent with the Framework and, therefore, are not out-of-date. Accordingly, I consider that paragraph 11 d) of the Framework is not engaged and that the appeal scheme should be determined against paragraph 11 c).
31. In addition, the appellant has requested that I give weight to the marginality of the Council's housing land supply position which it says is 5.2 years, compared with the 5 years that the Framework says that local planning authorities should be able to demonstrate. However, the appellant has not directed me to any policy which supports its request and, as such, I consider there to be no justification to attach additional weight to the appeal scheme.

Planning Balance and Conclusion

32. The appeal scheme, which would be in a sustainable location would deliver small-scale units to rent (including affordable rent), would make a positive contribution to the housing mix in Rushcliffe. Given that the Framework seeks to boost housing supply, this is a benefit to which I attach significant positive weight.

33. However, I find that the appeal scheme would not represent an adequate standard of design and that it would be harmful to the living conditions of existing occupiers of neighbouring dwellings which, together, are matters to which I attach significant negative weight. I also attach significant negative weight to the total loss of significance of non-designated heritage assets which, in the context of the appeal scheme, is not justified. In addition, I attach a moderate amount of negative weight to the unresolved flood risk situation.
34. Overall, I conclude that the appeal scheme does not accord with the development plan such that it should not be allowed, and there are no other considerations which suggested that an alternative conclusion should be reached.
35. Therefore, for the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR