



Appeal Decision

Site visit made on 21 October 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th February 2026

Appeal Ref: APP/J3015/W/25/3369761

72-78 Nottingham Road, Stapleford NG9 8AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval to details required by a condition of a planning permission.
- The appeal is made by Mr Charles Barton (Sandcliffe Ltd) against the decision of Broxtowe Borough Council.
- The application Ref 24/00690/REM sought approval of details pursuant to condition No 4 of planning permission Ref 20/00847/OUT, granted on 13 October 2021.
- The application was refused by notice dated 26 February 2025.
- The development proposed is 30 dwellings.
- The details for which approval is sought are: reserved matters of access, appearance, landscaping, layout, and scale.

Decision

1. The appeal is allowed and reserved matters are approved, namely details of access, appearance, landscaping, layout, and scale submitted under application Ref 24/00690/REM dated 2 October 2024, pursuant to Condition No 4 attached to planning permission Ref 20/00847/OUT, granted on 13 October 2021, and subject to the conditions set out in the attached schedule.

Procedural Matters

2. Outline planning permission was granted on 13 October 2021 under Council Ref 20/00847/OUT for residential development of the appeal site. All matters were reserved for future consideration under Condition No 4 of this decision. The appeal before me relates to these reserved matters. The application form lists Condition No 9 of the outline decision as the relevant condition. However, this sets out further details to be included in any application to approve the reserved matter of landscaping, and does not require separate submission of details for approval by the Council, as the 'approved details' to be complied with under Condition No 9 are ultimately those that may be approved under Condition No 4. Thus, it is Condition No 4 which I am considering under this appeal.
3. The appellant has sought to address the Council's reasons for refusal through amended plans submitted with the appeal. In summary, the changes to the scheme include:
 - Parking spaces increased in number from 30 to 45¹, including 4 visitor spaces
 - Additional setback of Plots 11-19 from the pavement and the front entrance to Plot 18 moved to its side elevation
 - Access road made consistent 5.5m width along full length

¹ The evidence from the parties indicates 43 spaces, but drawing A-P10-001 Rev F (Proposed Site Plan) shows a total of 45

- Pedestrian refuse on Nottingham Road widened to 2m
 - Waiting restrictions to be introduced along access road
 - Stage 1 Road Safety Audit submitted
 - Plots 1-10 amended internally from four to three bedrooms
 - Access amended to the cycle and bin stores in the apartment building
4. I have noted the Council's position on the suitability of these amendments. The evidence indicates that its officers were made aware of the proposed amendments prior to the appeal being made, and indeed made informal comments that they addressed officers' concerns 'in the main.' The changes seek to directly address the Council's concerns with the originally made application and its subsequent reasons for refusal.
5. I am satisfied that the changes proposed are individually and cumulatively modest in nature. They do not alter the quantum of residential development, the overall layout pattern, the means of access or the scale of any individual building. In my judgment, they do not represent a substantial or fundamental change to the proposed scheme.
6. Moreover, the Council has consulted with neighbouring residents and relevant consultees at the appeal stage, including Nottinghamshire County Council as the local highway authority. As such, those parties likely to have an interest in making representations on the amendments have been given the opportunity to do so.
7. Therefore, having regard to the *Wheatcroft*² principles and relevant case law in *Holborn*³, I am content that to accept the amended plans into evidence would not cause prejudice to any party, and I have duly considered the proposal against these revised plans.

Main Issues

8. Having regard to the Council's reasons for refusal and the evidence before me, the main issues are whether the details submitted in respect of the reserved matters are acceptable, having regard to:
- i) the effect of the proposal on the character and appearance of the area;
 - ii) highway safety, and;
 - iii) the standard of accommodation for prospective occupants.

Reasons

Character and Appearance

9. The appeal site is presently used as an external storage area for vehicles related to a local car sales business with single storey commercial buildings towards the rear. The site is open to view from Nottingham Road due to the low front boundary wall and railings and taller, transparent security fencing behind. To the rear of the site is an imposing escarpment heavily covered with trees and other foliage. Recent residential development of 15 dwellings stands to the western side, with

² Bernard Wheatcroft v Secretary of State for the Environment (1982) 43 P & CR 233

³ R (oao Holborn Studios Ltd) v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

the buildings and grounds of St John's Church of England Primary School to the west. The schoolhouse, two gatehouses and the front boundary wall of the school are Grade II listed. A modern two/three storey apartment building stands directly opposite the site, flanked to the east by an older two storey block of maisonettes and to the west a former place of worship, Stapleford House, which is now flats.

10. The proposed development would deliver 19 two storey dwellings, comprising seven pairs of semi-detached properties, a terrace of three dwellings and two detached dwellings, and a three storey apartment block to the front of the site with 11 units. The dwellings would be laid out along a curved access road leading from Nottingham Road and terminating in a cul-de-sac to the south-eastern corner.
11. The Council does not oppose the general approach to the layout of the scheme. The placement of the larger apartment block and taller, three storey dwellings towards the front of the site would reflect the similar scale and form of development opposite and would fit within the varied streetscape along Nottingham Road. The two storey dwellings behind would appear more discreet from the street, but would similarly reflect the recent development adjacent to the site at Sandstone Close, both in terms of the layout and form of the dwellings. The density of the scheme would be appropriate, with sufficient garden space for all dwellings. The use of red brick and grey concrete tiles would also reflect the materials palette in the area. The appellant has also provided a drawing confirming a 102.5mm reveal to the windows, addressing a concern of the Council over a lack of articulation to the elevations.
12. The amendments to the positioning of Plots 11-17 is marginal but results in an improved spacing to the public realm, alongside the regularised width of the access road. The re-orientation of Plot 18 would create an active frontage to its western side, adding visual interest to a prominently placed dwelling at the site entrance.
13. The amendments include an increase in the number of parking spaces, which in the case of Plots 4-9 include the omission of detached garages in favour of tandem parking. The Council has not opposed this element of the scheme in visual terms, and I am content that it would ensure vehicles are parked off-street and prevent the access road being dominated by street parking.
14. The Council has not objected to the proposed landscaping. The site is largely hard surfaced at present given its use for vehicle storage. A small number of existing trees would be retained, including the most prominent of these adjacent to the boundary wall with the school. Details of both hard and soft landscaping have been provided. Planting is proposed along the entrance road and framing the parking spaces, including street trees, which would help screen the areas of hard surfacing and provide a soft filter to the view through the development. The use of block paving for parking spaces would stand out against the asphalt of the main entrance road and add some visual interest. Overall, I find the landscaping details would add to the overall quality of the development and are acceptable.
15. No objection has been raised in respect of the effect of the proposal on the setting of the adjacent listed school buildings. I saw that the setting of the school is defined principally by its longstanding location within the built-up area of Stapleford, surrounded by residential and commercial development of varying forms. The existing site, being open, offers a glimpse of the schoolhouse from the

side above the tall boundary wall, but it is most clearly appreciated in views from in front of the site on Nottingham Road, which would be unaffected by the proposal. Having observed on site, I am content that the proposal would not introduce discordant development that would detract from the urban setting of the listed building or otherwise cause harm to its heritage significance.

16. Overall, I conclude that the appearance, scale and layout of the appeal scheme would preserve the character and appearance of the area, in accordance with the requirements of Policy 10 of the Broxtowe Aligned Core Strategy (2014) (the ACS) and Policy 17 of the Part 2 Local Plan (2019) (the P2LP) that developments create an attractive, safe, inclusive and healthy environment; have regard to the local context including valued townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.

Highway Safety

17. The Council's concerns relate to the width of the carriageway of the access road and the design of the pedestrian crossing. These have been addressed in the revised plans with the access road a minimum of 5.5m throughout, flanked by 2m wide footways. The width of the road has been enlarged further towards the turning head to facilitate manoeuvres by larger vehicles, overcoming a further criticism that tracking diagrams showed vehicles overhanging the footway when turning at the end of the cul-de-sac. A pedestrian refuge proposed on Nottingham Road has also been widened to 2m. NCC has not made comment on the revised plans, but on the evidence before me, they directly address the initial shortcomings of the design, and I am satisfied that they would provide a suitable access arrangement that would not pose significant risk to highway or pedestrian safety.
18. I have noted the correspondence during the application between the appellant, Council and NCC regarding the level of parking provision on site. No specific figure is given as to the level of parking provision required, though it is notable that the Council has not specifically referred to parking in its reasons for refusal. The appellant has nonetheless provided a scheme with 45 spaces, including 4 visitor spaces, an increase on the 30 initially proposed, with at least one space per unit and two for most of the dwellings. This is combined with an intent to apply waiting restrictions on the access road to prevent indiscriminate on-street parking. I have no evidence to suggest that this level of provision is unacceptable. Even if it did fall short of a particular standard, the site is within an accessible location where services and amenities can be reached on foot and public transport is available. Overall, I am satisfied that the level of parking provision would be acceptable and would not lead to a highway safety risk for future occupants or other road users.
19. On this issue, therefore, I conclude that the access and layout of the development would preserve highway safety, in accordance with Policy 10 of the ACS and Policy 17 of the P2LP in terms of their requirements that developments create well defined streets and spaces, provide sufficient, well integrated parking and safe and convenient access.

Standard of Accommodation

20. The Council's concerns in these respects relate to the degree of outlook from certain rooms in Plots 1 to 10, specifically that Bedroom 4 on the second floor would be served only by rooflights. The appellant has subsequently amended the

internal layouts to provide a master bedroom and en-suite at second floor level. As a result, the dwellings would have three double bedrooms rather than two doubles and two singles. The Council has not raised concern at this change, and the dwellings would remain suitable for family occupation within an improved layout.

21. Though not specified in the reason for refusal, the appellant has addressed concerns over the size of second floor windows serving Plots 18 and 19. The window to the front bedroom has been widened, whilst the rear room window is unchanged, but the room is now identified as an office rather than a fourth bedroom, albeit it is unchanged in size and could still be used as a bedroom. Nonetheless, despite the narrow profile of the windows serving these rooms in each dwelling, I am content that sufficient light and outlook would be provided even if these rooms were to be used as bedrooms, given the south-easterly orientation of the rear elevation and the height of the windows above ground level and clearance above any potential obstructions.
22. The other concern relates to cycle and bin store accessibility within the apartment block, which as initially proposed would have been accessible internally to only half of the units. As reconfigured, both bin stores would have internal access from each communal lobby/stairwell, with external access for removal of waste, whilst the cycle store would be externally accessible to the rear elevation. This would provide an improved and equitable arrangement for all occupants that would be more functional and convenient for day-to-day use.
23. The appellant has also addressed other concerns, including missing plans for Plot 14 and an absence of section plans for Plots 1-10. Having observed these details, I am satisfied that the internal accommodation would be acceptable in these dwellings. All units appear to have sufficient internal room sizes and overall floorspace, as well as acceptable size and shape of garden areas. The Council does not otherwise raise concerns about the standard of accommodation.
24. Having regard to the plans and my observations on site, and noting the orientation of dwellings and their separation distances from the nearest existing properties, I am also satisfied that no harm would be occasioned to neighbours' living conditions as a result of the development.
25. Therefore, I conclude that the proposed layout of the scheme would provide an acceptable standard of accommodation for prospective occupants, in accordance with the requirements of Policy 10 of the ACS and Policy 17 of the P2LP that developments provide a satisfactory degree of amenity for new occupiers.

Conditions

26. The Council's list of suggested conditions largely duplicate those on the outline permission and it has repeated its request that several be re-imposed. The outline permission is the planning permission for the site, and the conditions attached to it are not superseded or otherwise rendered of no effect by an approval of reserved matters. The reserved matters decision would be read in conjunction with the outline decision, with the conditions of both applicable. Therefore, it is not necessary to re-impose these conditions, or make explicit reference to them in the reserved matters decision, as they remain in force on the outline decision.
27. In any event, the Planning Practice Guidance makes it clear that conditions may only be added to reserved matters which relate directly to those matters. The

conditions requested by the Council do not directly related to the five reserved matters and therefore should not be imposed.

28. In the absence of any suggested conditions from the Council directly addressing the reserved matters, and without prejudice to the outcome of the appeal, I put a list of potential conditions to the main parties and had regard to comments received. The numbers in brackets refer to the condition number in the schedule. Conditions Nos 2 and 3 are pre-commencement as they relate to fundamental details relating to access and layout that need to be agreed at the outset of development would be ineffective were they required to be addressed at a later stage.
29. To provide certainty, a condition specifying the approved plans is necessary [1]. Details of finished floor levels are necessary to ensure an appropriate scale to the development [2].
30. A Grampian-style condition is required to ensure that the off-site highways works on Nottingham Road are agreed and undertaken prior to the occupation of the site [3]. It is also necessary to require the implementation of hard surfaced accesses, driveways and parking areas to each dwelling prior to their occupation to ensure a satisfactory access and maintain highway and pedestrian safety [4, 5].
31. Conditions requiring details of facing materials are necessary in order to ensure a satisfactory appearance and preserve the setting of the designated heritage asset next door [6].
32. It is also necessary that the communal bin and cycle storage is made available for use prior to the occupation of the flats, to ensure a suitable standard of accommodation, prevent pollution and provide sustainable travel options [7, 8].
33. I have not imposed a separate condition requiring implementation of the soft landscaping scheme as this is addressed under Condition No 9 of the outline permission. However, a condition is necessary to ensure any retained trees lost within five years of the first occupation of the development are replaced, to maintain the overall quality of the development [9].
34. Finally, it is necessary in this instance to remove permitted development rights for the erection of fences, walls, gates or other means of enclosure to the front gardens of the dwellings, beyond that expressly approved via other conditions, in order to ensure a consistent appearance to the development and one that integrates with its surroundings [10].

Conclusion

35. For the reasons set out, I conclude that the submitted details are acceptable in respect of the reserved matters of access, layout, scale, landscaping and appearance, and the appeal should therefore be allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing numbers:
 - A-E10-001 Rev A - Location Plan
 - A-E10-002 - Existing Site Plan
 - A-P10-001 Rev F - Proposed Site Plan
 - A-P11-001 Rev B - Proposed Apartments
 - A-P11-002 - Proposed HT-3B-A (Plots 1-10)
 - A-P11-003 Rev A - Proposed HT-2B-A (Amended Key) (Plots 11-13, 15)
 - A-P11-004 Rev 1 - Proposed HT-2B-B (Plots 16-17)
 - A-P11-005 - Proposed HT-3B-B (Plots 18-19)
 - A-P11-006 Rev C - Proposed Roof Plan
 - A-P11-007 - Proposed HT-2B-C (Plot 14)
 - LA1007 SL-400 Rev B - Soft Landscape Plan
 - LA1007 HL-500 Rev B - Hard Landscape Plan
 - A-P14-700 - Indicative Window Details
 - DWG-09 - Waiting Restrictions
 - DWG-10 - Refuse Vehicle Swept Path Analysis
 - 25-1956-RSA1 - Stage 1 Road Safety Audit
 - 25-1956-RSA1 - Designers Response
- 2) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 3) No development shall take place until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority to secure the following highway works:
 - Provision of site access;
 - Provision of crossing facility on Nottingham Road;
 - Provision of/any necessary alterations to street lighting;
 - Provision of/any necessary alterations to footways;
 - Provision of/any necessary alterations to highway drainage;
 - Measures to prevent/control parking/loading;
 - Any necessary signing/lining;

- Any necessary reconstruction/resurfacing;
- Provision of waiting restrictions within and/or outside of the site

The works are to be subject where necessary to updated Road Safety Audits in accordance with DMRB GG119 and shall be completed in accordance with the approved details and a timetable to be first submitted to and approved in writing by the Local Planning Authority.

- 4) The development hereby permitted shall not be occupied until the means of access for vehicles/pedestrians/cyclists has been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 5) No dwellinghouse or apartment hereby permitted shall be occupied until the vehicle parking spaces associated with that dwellinghouse or associated with the apartment block have been provided in accordance with drawing number A-P10-001 Rev F Proposed Site Plan. Thereafter those spaces shall be retained for the parking of vehicles only.
- 6) No development above slab level of any individual dwelling or building hereby permitted shall take place until details / samples of the materials to be used in the construction of the external surfaces of that dwelling or building have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 7) Prior to the first occupation of the apartment building, the refuse and recycling storage shown on approved drawings shall be provided and shall be retained for the users of the development and for no other purpose.
- 8) Prior to the first occupation of the apartment building, the cycle parking facility shown on the approved drawings shall be provided, and thereafter shall be retained for cycle parking purposes for the users of the residential dwellings and for no other purpose.
- 9) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of the first occupation of the development, other than in accordance with the approved plans. If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be agreed in writing with the local planning authority. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 10) Notwithstanding the provisions of Schedule 2, Part 2, Class A 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 fences, gates or walls, other than those hereby approved, shall be erected forward of the street facing elevation of any dwellinghouse.