



Planning Committee

18 July 2019

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	Land At OS Reference 456332 Asher Lane Ruddington Nottinghamshire		
APPLICATION REFERENCE	18/00300/OUT		
APPEAL REFERENCE	APP/P3040/W/19/3221123		
PROPOSAL	Outline planning application for proposed development of 175 dwellings including vehicular access (via 75 Musters Road), pedestrian links, public open space, car parking, landscaping and drainage		
APPEAL DECISION	Appeal Allowed	DATE	13th June 2019

PLANNING OFFICERS OBSERVATIONS

The application was in outline form and sought planning permission for the erection of 175 dwellings with access via 75 Musters Road, Ruddington (following the demolition of the dwelling). The application was a revision to a previous application for 175 dwellings, with access via Asher Lane, which was allowed at appeal following a Public Inquiry in April 2018.

The application was considered by the Planning Committee in October 2018. The Officer recommendation was that planning permission should be granted, subject to conditions and a S106 agreement. Members resolved to refuse the application on the following grounds:

'The proposed access arrangements to the development would give rise to unacceptable impacts on the amenities of the properties immediately adjacent to the proposed access (73 Musters Road and 1 Western Fields), and properties in the wider area fronting Musters Road and Distillery Street, by reason of noise and disturbance from increased vehicle movements and traffic generation. Therefore, the proposal is contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework 2018, particularly criterion a) and f).'

The Inspector in allowing the appeal, stated that:

'The July 2018 NA (Noise Assessment) concluded that the proposed new access/egress on Musters Road would not lead to a significant adverse impact on occupiers of No.73 & No.1. The Council's EHO was satisfied with the findings and advised the Council that a condition be imposed to ensure implementation of the recommended mitigation measures including the erection of a 2 metre high acoustic fence along the side boundaries of No.73 & No.1 as well as around their rear gardens and those of the properties next to them. Furthermore, in its officer report to committee the Council has suggested a condition requiring acoustic glazing and passive ventilation to achieve reduced noise levels in all bedrooms throughout the proposed development. I concur with these measures.

The Transport Assessment (TA) indicates there would be a better distribution of traffic flows around the surrounding roads arising from the Musters Road access, compared to the fall-back scheme using the Asher Lane access. With the Musters Road access, vehicular traffic would have more routes to take and would be split 50% at the junction, such that some traffic will travel between Musters Road/Distillery Street and some via Musters Road/Asher Lane/The Green. With the fall-back permission with access off Asher Lane, all traffic would have to pass in front of houses on Asher Lane, and progress along Asher Lane towards the junction of Distillery Street and The Green before exiting the village. The TA concludes on this point by saying that fewer vehicles per hour would pass any individual property along Musters Road/Distillery Street under the current appeal proposal than would be the case under the previous appeal using the Asher Lane access. I am not persuaded by the Council's assertions that increased vehicle movements and traffic generation at the Musters Road access would result in unacceptable levels of noise and disturbance to occupiers of properties in the wider area fronting Musters Road and Distillery Street.'

The appeal was allowed and planning permission granted.

LOCATION	18A Debdale Lane Keyworth Nottinghamshire NG12 5JD		
APPLICATION REFERENCE	18/00849/FUL		
APPEAL REFERENCE	APP/P3040/W/18/3213961		
PROPOSAL	Part demolition of bungalow, erection of detached dwelling with parking (revised scheme)		
APPEAL DECISION	Appeal Dismissed	DATE	7th May 2019

PLANNING OFFICERS OBSERVATIONS

In June 2018, planning permission was refused for the above development. The reasons for refusal related to the following:

Undesirable cramped relationship with the host property; out of scale and character within the prevailing form of development in the immediate area; inadequate usable private outdoor amenity space; cumulative dominant and oppressive harmful impact upon the street scene when read in conjunction with the existing dwelling; and an adverse relationship with overlooking overbearing relationships between the new and existing dwellings.

The Inspector considered the main issues to be:

- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide suitable living conditions for its future occupants with particular regard to provision of outdoor space, outlook and privacy.

The Inspector observed that the *“new dwelling and any associated boundary treatment would sit immediately forward of and in close proximity to the existing dwelling with no useable rear garden space. The proposed building would also sit entirely forward of the dwelling on the adjoining plot at No 20. When approaching the site from the north along Highfield Road, the side elevation of the proposal would project past the building line of No 18a towards this adjoining highway. These factors in combination with the prominent corner plot location would emphasise the scale of the building on a constrained site and cause it to have a cramped appearance. As a result, the proposal would appear incongruous within the streetscene and at odds with existing properties.”*

He considered that *“the proposal would not provide suitable levels of outlook for occupiers of the existing or proposed dwellings nor would it provide suitable private outdoor space for the proposed dwelling.”*

The Inspector concluded that *“the proposal would have a harmful effect on the character and appearance of the area and would fail to provide suitable living conditions for existing and proposed occupiers. Given the importance of good design and securing and maintaining good residential living conditions, as reflected in the Framework and the Development Plan, these factors significantly and demonstrably outweigh the limited*

benefits associated with a single dwelling when assessed against the policies of the Framework taken as a whole.”

In view of the above, the appeal was dismissed.

LOCATION	Station Farm Barnstone Lane Granby Nottinghamshire NG13 9PP		
APPLICATION REFERENCE	18/01493/FUL		
APPEAL REFERENCE	APP/P3040/W/18/3213816		
PROPOSAL	Demolition of an existing agricultural barn and its replacement with a single residential dwelling with new boundary fence, decking and landscaping.		
APPEAL DECISION	Dismissed	DATE	1 May 2019

PLANNING OFFICERS OBSERVATIONS

In September, 2018, planning permission was refused for the above development. The reasons for refusal related to the following:

1. The proposed dwelling would be outside any village and would not constitute infilling and would, therefore, be contrary to Policy 3 of the Core Strategy.
2. The lack of services and facilities in the area would result in reliance on the car, which would be unsustainable.
3. The dwelling would be isolated in relation to local services and facilities and would, therefore, be contrary to paragraph 79 of the National Planning Policy Framework (NPPF).
4. Part of the site lies within a flood zone but no Flood Risk Assessment had been submitted.

The Inspector considered the main issues to be whether the site would be a suitable location having regard to the development plan and national policy, and whether the proposal would be acceptable in terms of flood risk having regard to the NPPF. He commented as follows:

- The appeal site is located away from the nearest villages and on agricultural land within the countryside. The proposed development would, therefore, be contrary to Policy 3 of the Core Strategy.
- Given the proposed dwelling's location adjacent to a farmhouse and two other dwellings, it would not be isolated in terms of the NPPF.
- There is a limited range of services and facilities in Granby and Barnstone and a single dwelling would make a very limited contribution to maintaining them.
- There is a limited bus service and Barnstone Lane does not provide convenient access to bus stops, with no footpath, which would be unsafe for potential users. Furthermore, cycling is unlikely to be suitable for all occupiers, particularly in inclement weather. This would lead to reliance on the car, which demonstrates that the site is remote and unsustainable and would not provide a suitable location for

housing having regard to the sustainability aims of the Core Strategy and the Rushcliffe Borough Non Statutory Replacement Local Plan.

- The proposed access lies within a flood zone and in the absence of a Flood Risk Assessment it is not possible to demonstrate that there are no reasonably available sites with lower risk of flooding. The proposal is, therefore, contrary to Paragraph 163 of the NPPF.
- Whilst the proposed dwelling would make a limited contribution to the Borough Council's housing requirements, there is a need to protect the intrinsic character of the countryside, which the proposal would fail to do.

In view of the above, the appeal was dismissed.

LOCATION 6 Haileybury Road West Bridgford Nottinghamshire NG2 7BJ

APPLICATION REFERENCE 18/02185/FUL

APPEAL REFERENCE APP/P3040/D/19/3220322

PROPOSAL Increase roof height of bungalow to create first floor accommodation and external alterations (resubmission).

APPEAL DECISION Appeal Allowed **DATE** 7th May 2019

PLANNING OFFICERS OBSERVATIONS

The application involved the raising of the roof height of a bungalow to create first floor accommodation within the roof space, together with alterations to the external appearance of the dwelling. The application was a re-submission of an earlier application refused under delegated authority (18/01271/FUL) in July 2018.

The amended scheme included a reduction in the increase in the ridge height of the roof by 0.8m, resulting in a ridge 2m higher than the existing dwelling.

The application was considered at Planning Committee in December 2018. The Officer recommended was that planning permission should be granted, subject to conditions. Members resolved to refuse the application on the following grounds:

'Increasing the height and scale of the property to create first floor accommodation, together with the changes to the materials, would significantly alter the appearance of the existing bungalow to such a degree that it would appear overly dominant within the street scene, and be at odds with the established character of this section of Haileybury Road. The proposal would therefore be contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policy GP2 (Design and Amenity Criteria) of The Rushcliffe Non-Statutory Replacement Local Plan and guidance contained within the National Planning Policy Framework (2018) specifically paragraphs 127 and 130.'

The Inspector, in allowing the appeal, stated that; *'The general shape and form of the dwelling would be maintained albeit slightly taller than the adjacent dwellings. The proposal would include windows at first floor, this would alter the appearance of the bungalow and increase its prominence. However, when considered in context with the rest of the street this change is relatively subtle and innocuous. The design of the proposal includes aluminium glazing, white render and horizontal timber cladding that would be used in a contemporary manner. The National Planning Framework (The Framework) encourages innovative design provided it fits in with the overall form and layout of the area. Therefore, whilst the bungalow stands slightly forward of its neighbour, it would not be overtly dominant in the street. Subsequently, I am satisfied that the design would be in keeping with the local character.'*

LOCATION	Land To East Of Orchard House Kinoulton Lane Kinoulton Nottinghamshire NG12 3EQ		
APPLICATION REFERENCE	18/02225/OUT		
APPEAL REFERENCE	APP/P3040/W/19/3222377		
PROPOSAL	Outline application with all matters reserved for the erection of two dwellings.		
APPEAL DECISION	Appeal Dismissed	DATE	7th June 2019

PLANNING OFFICERS OBSERVATIONS

In December, 2018, planning permission was refused for the above development. The reasons for refusal related to the following:

1. *Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy sets out the spatial strategy for housing delivery in the Borough which seeks to ensure that sustainable development will be achieved through a strategy which promotes urban concentrations by directing the majority of development towards the built up areas of Nottingham and Key Settlements. In other settlements the Core Strategy at para 3.3.17 envisages that development should be for local needs only through small scale infill development or on exception sites. Paragraph 3.9 of the Emerging Local Plan Part 2 lists a number of smaller settlements which are capable of accommodating a limited number of dwellings. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful impact on the pattern or character of the area. The proposed dwelling sits outside any village and would not constitute infill development as envisaged in 3.3.17 and would, therefore, be contrary to policy 3 of the Core Strategy.*
2. *Due to the lack of services and facilities in the immediate area and the limited bus service, it is likely that residents of the proposed dwelling would be reliant on the use of the car for day to day needs. The development would, therefore, be unsustainable and contrary to policy 1 of the Local Plan Core Strategy, Policy GP1 of the Rushcliffe Borough Non Statutory Replacement Local Plan and the sustainability requirements of the NPPF.*
3. *The proposed dwelling is isolated in relation to local services and facilities and would, therefore, be contrary to paragraph 79 of the National Planning Policy Framework which seeks to avoid isolated dwellings in the open countryside unless there are exceptional circumstances. No such circumstances have been demonstrated.*
4. *The development would be contrary to policy HOU4 of the Rushcliffe Borough Non Statutory Replacement Local Plan which states that new dwellings will not be permitted outside settlements unless they are necessary for the purposes of*

agricultural or other activities appropriate to the countryside. No such justification has been submitted in support of the present application.

5. *The proposed development would have an adverse impact on the setting of the listed Wolds Farmhouse resulting in less than substantial harm which is not outweighed by any public benefit. The development would, therefore, be contrary to paragraph 196 of the National Planning Policy Framework and Policy 11 of the Borough Council's Local Plan Core Strategy.*

The Inspector considered the main issues to be whether the site would be a suitable location with particular regard to the Council's spatial strategy and its policies for new dwellings in the countryside; the accessibility of services and facilities; the character of the area; the effect on the setting of the Grade II Listed Wolds Farmhouse. He summarised as follows:

- As there are dwellings in the vicinity the site is not isolated in terms of the meaning within the NPPF
- There is little in the way of services and facilities within Kinoulton and it is unlikely residents would walk or cycle to what services there are, furthermore there is a very limited bus service. As a result there would be negative environmental and social effects arising from the location in terms of use of natural resources and accessibility to local services and facilities.
- The development would erode the contribution the site makes to the rural character and appearance of the area.
- The site's open and verdant setting helps illustrate the historical use of Wolds Farmhouse and its open nature makes an important contribution to its setting, which would be harmed by the proposed development.

In view of the above, the Inspector concluded that the site was an inappropriate and unsustainable location for residential development, there would be harm to the character of the area and the setting of the listed building.

The Appeal was dismissed.