

Report of the Chief Executive

APPEAL DECISION

Reference Number : **17/00183/FUL**
Applicant/Agent : **Forthmeadow Ltd**
Site Address : **Eastwood House 24 Church Street Eastwood Nottinghamshire**
Proposal : **Construct extension to residential care home to provide 9 bedrooms with ancillary store, staffroom and laundry**

APPEAL ALLOWED

The application sought planning permission to construct an extension to an existing residential care home to provide 9 bedrooms with ancillary store, staffroom and laundry room. The extension, built into the existing sloping site would provide 5 bedrooms on the first floor, 4 bedrooms and an office on the ground floor, and a staff room, laundry and store at the basement level, set into the slope. A lift and stair case serves all floors. An officer recommendation of approval subject to conditions was put forward, but the application was refused by Planning Committee on 21 June 2017 for the following reason:

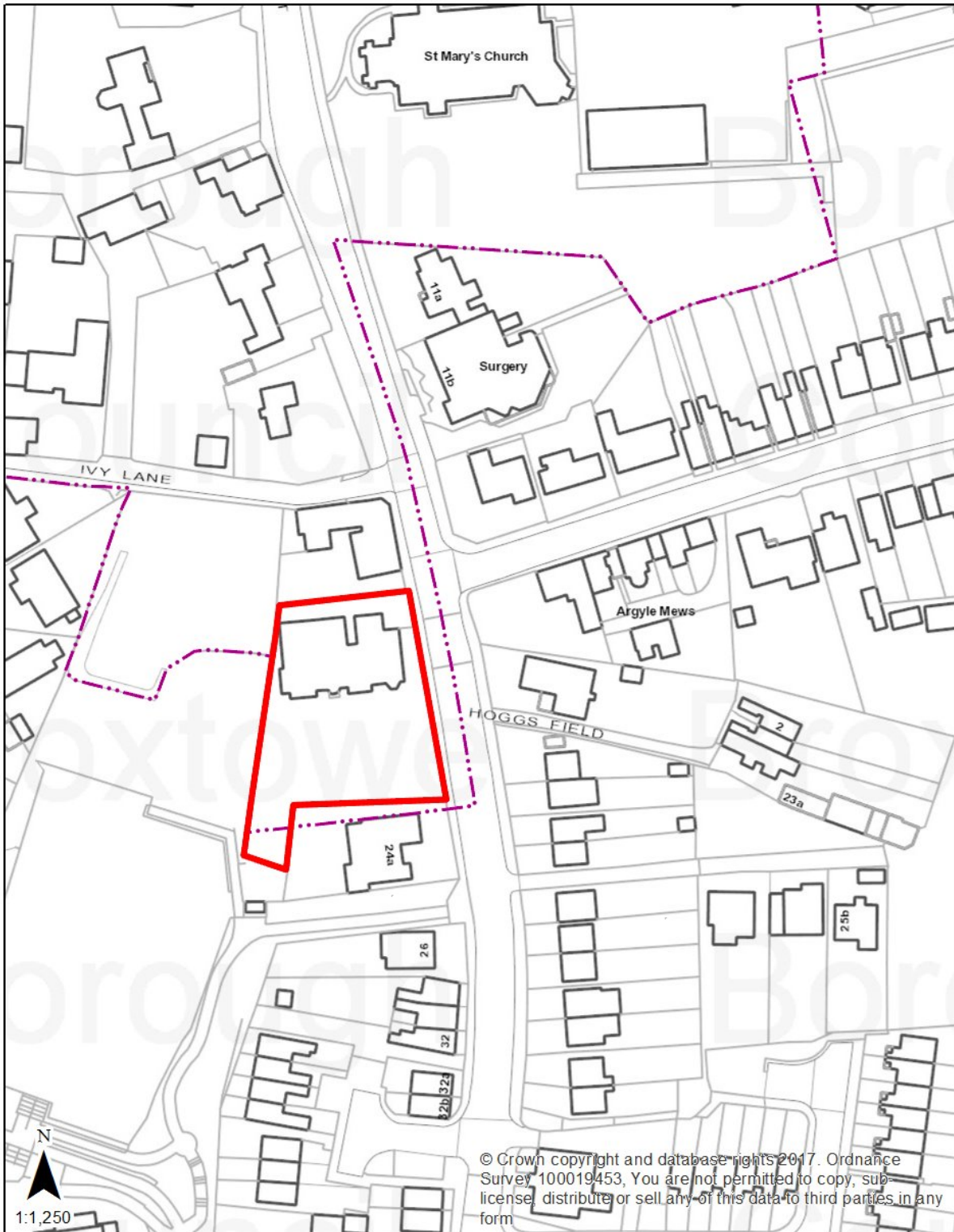
The Local Planning Authority are of the view that the residential care home, as extended, would have insufficient parking capacity to accommodate the additional traffic generated by the increased number of residents, staff, visitors and deliveries, which would be contrary to saved Policy T11 and Appendix 4 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

The Inspector considered the main issue in the determination of the appeal was whether the appeal proposal provided satisfactory on-site car parking provision. The Inspector noted that the proposal would increase the parking provision within the site to 10. It was considered there was no evidence to suggest the proposed additional bedrooms/residents would generate a material increase in the number of deliveries required by Eastwood House, and that there was no reason to doubt the residents of Eastwood House would not require car parking spaces. In addition, the Inspector noted there were spaces available on the unrestricted roadside at both times visited and it was not considered this section of Church Street demonstrated an unacceptable level of parking stress. Having regard to all submitted evidence, it was found that the appeal proposal would provide satisfactory on-site car parking provision. Overall the proposal was therefore considered to be in accordance with Policy T11 of the Broxtowe Local Plan 2004, and Policy 10 of Aligned Core Strategy 2015, which requires development to reduce the dominance of the motor car. The Appeal was allowed.

Application for Costs

An application for costs was made by the appellant on procedural and substantive grounds. The appeal was allowed.

The applicant considered that the Council had behaved unreasonably due to the Planning Committee refusing the planning application on highway safety grounds against officer and consultee advice, had failed to consider advice and supporting information within the planning application, had relied on unsupported and unjustifiable evidence regarding parking and highway impacts, and the applicant had incurred unnecessary expense to instruct both a planning consultant to progress the appeal and transport consultant to provide supporting material. The Inspector considered the officer report presented a balanced and fair assessment of the planning application and supporting evidence, together with a consistent recommendation, and that in the planning judgement, it appeared that having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposed should clearly have been permitted. Accordingly, the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, had been demonstrated and that a full award of costs is justified.



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Legend

-  Site
-  Conservation Areas (Local Plan)

Reference number: **17/00283/OUT**
Proposal: **Outline application to construct three detached dwellings (with some matters reserved)**
Site address: **Land between 33 and 43 Gwenbrook Avenue, Chilwell**
Applicant: **Mr Simon Daly**

APPEAL DISMISSED

The application proposed the erection of three detached houses. Permission was refused because the proposal failed the Sequential Test and the Flood Risk Assessment failed to demonstrate that the potential flood risk from all sources had been considered. In addition, by virtue of the constrained nature of the site and the scale of the proposed development, it was considered there would be an adverse impact on the character of the surrounding area and the amenity of future occupiers and the occupiers of 33 Gwenbrook Avenue.

The Inspector considered the main issues to be whether the residents of the proposed houses and existing residents would have an adequate standard of amenity; flood risk and the effect of the proposed development on the character of the area. The Inspector considered that the development would harm the living conditions of the occupiers of number 33 with particular regard to sense of enclosure, reduction in outlook and reduction in light due to the siting and height of the proposed north westernmost dwelling. Whilst recognising the depth of the proposed rear gardens is limited, the Inspector considered that the occupants of the proposed dwellings would have a sufficient degree of amenity. Given the previous outline consent for two dwellings on the site, (which was granted by Committee contrary to officer recommendation for refusal because of the failure to pass the sequential test), the Inspector concluded that the Council had accepted the site was suitable for residential development having regard to flood risk and therefore this reason for refusal held no weight. In terms of the deficiencies of the FRA, the Lead Local Flood Authority had not objected to the proposal. The Inspector considered that the proposal reflected the general character of the area, given the shortening of some rear gardens as a result of the tram line construction. In conclusion, the Inspector found that the proposal would be harmful to the living conditions of the occupiers of 33 Gwenbrook Avenue but found no harm in respect of living conditions of future occupiers, flood risk or character of the area.

