**Report of the Chief Executive**           **APPEAL SUMMARY**

| APPLICATION NUMBER: | 20/00667/FUL |
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| LOCATION: | 28 Park Road, Chilwell, Beeston, Nottingham, NG9 4DA |
| PROPOSAL: | Demolish existing bungalow and additions and construct one pair of semi-detached dwellings. |

**RECOMMENDATION BY OFFICER – APPROVE**

**REASON FOR REFUSAL -** "The proposed semi-detached dwellings, by virtue of their size, scale and position within the site, would represent an over-intensive development of the site, resulting in an unacceptable impact on neighbour amenity and a detriment to the established character of the street, contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019)."

**LEVEL OF DECISION: COMMITTEE**

**APPEAL ALLOWED**

The application was refused planning permission following Committee and the decision notice issued on 23 April 2021, for the reason below, as recommended by the Chair of Planning in agreement with the Head of Service:

*"The proposed semi-detached dwellings, by virtue of their size, scale and position within the site, would represent an over-intensive development of the site, resulting in an unacceptable impact on neighbour amenity and a detriment to the established character of the street, contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019)."*

The Planning Inspectorate considered the appeal by way of written representations.

The Inspector issued a decision letter and considered the main issues to be the effect of the proposal on the character and appearance of the area and the living conditions of the occupants of nearby dwellings.

The Inspector summarised the proposed development would not cause harm to the character and appearance of the area. The proposal would therefore accord with policy P10 of the Broxtowe Aligned Core Strategy 2014 (ACS) and Policy 17 of the Broxtowe Part 2 Local Plan 2019 (P2LP), where they seek to protect character and appearance. The proposal would also preserve the character and appearance of the Conservation Area. In addition to this, the Inspector summarised that the proposed development would not cause harm to the living conditions of the occupants of nearby dwellings. The proposal would therefore accord with Policy P10 of the ACS and Policy 17 of the P2LP, where they seek to safeguard living conditions.

Other considerations the Inspector took into account included: the suggestion that the proposal would amount to a breach of the rights afforded under the Human Rights Act 1998 (HRA), in particular Protocol 1, Article 1, however the Inspector found that no harm would be caused to living conditions as a result of the proposed development; the proposal would result in the loss of a bungalow but given the scale of this loss the Inspector considered it would not compromise the strategic objective of the development plan to provide a mix of house types and sizes; the existing trees on the site are of no visual merit, and the Inspector determined there is no reason to consider that their loss should be objectionable; whilst reference has been made to the setting of a precedent and to other house building taking place in the Borough, the Inspector must determine the appeal on its own merits; Park Road is subject to parking restrictions and the additional access would lead to the loss of a small area that can potentially be used for on-street parking, however the Inspector determined that this would be compensated for by the off-street parking that would be available to serve each of the two dwellings and there was no objection raised by the Highway Authority; finally the Inspector determined that there is no substantive evidence to suggest that the proposal would cause harm with respect to surface water drainage, pollution or biodiversity interests and potential damage to property would be a private matter between the parties involved.

Subject to planning conditions as per the appeal notice, the Inspector concluded that the appeal should be allowed.