

Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	21/00849/FUL
LOCATION:	Land to Rear of 179 High Road, Chilwell Nottinghamshire, NG9 5BA
PROPOSAL:	Construct two storey dwelling

RECOMMENDATION BY OFFICER - REFUSE

REASON FOR REFUSAL –

1. The proposed building by virtue of its siting, footprint, scale, form and style represents unsatisfactory development which is out of keeping with the character of the Chilwell Conservation Area, contrary to Policy 23 of the Part 2 Local Plan 2019 and Part 16 of the NPPF.
2. The proposal would not provide acceptable amenity space, outlook or natural light for future occupiers, contrary to Policy 17 of the Part 2 Local Plan 2019 and Part 12 of the NPPF.

LEVEL OF DECISION: DELEGATED

APPEAL DISMISSED

The Inspector considered the main issues to be the effect of the development on the character and appearance of Chilwell Conservation Area; and whether future occupiers would have acceptable living conditions having regard to garden space, outlook and daylight.

The Inspector considered the appeal site and that the key features of the Chilwell Conservation Area Appraisal (CCAA) that are relevant to this appeal are the historic buildings, including 179, and the tall mature Walnut Tree within the site. The Inspector found on their site visit that the site was not visible from the High Road, but that the Walnut Tree was. The site was also visible from The Twitchell and the windows of a number of surrounding houses, and would be seen in the context of the adjacent historic building.

The Inspector notes that the CCAA identifies that one of the threats to the CA is the development of gap sites which contribute to a loss of character. They stated although the proposed two storey height is similar to neighbouring houses, the rear elevation has little design detail with no first floor windows which would be unusual. The building would also partly screen the attractive mature Walnut Tree from this aspect. The lack of design detail, accentuated by its height and mass, would present a dominant and intrusive addition, which would not integrate with the surrounding development and harm the character of the CA.

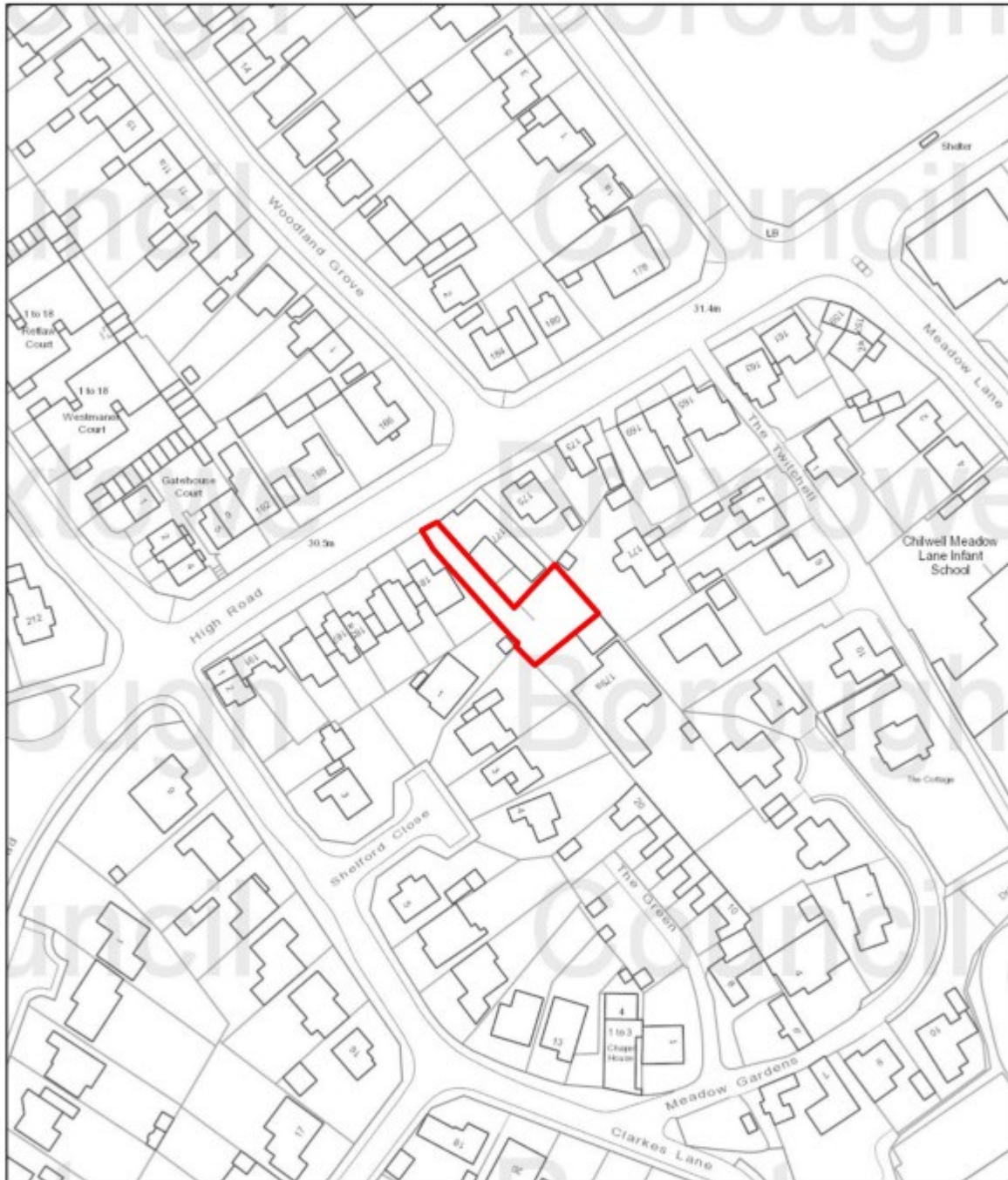
The Inspector continued the front design whilst more detailed would have little in common with neighbouring modern houses and would also not integrate with the rear of the adjacent historic building. Consequently, the design does not reflect the character of the CA. The proposal would not preserve the character of the CA. In relation to paragraph 196 of the National Planning Policy Framework, whilst the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm. The proposal is contrary to Policy 23 of Broxtowe Borough Council, Part 2 Local Plan 2018-2028 adopted October 2019 (LP) and relevant policies including those in chapter 16 of the National Planning

Policy Framework. These policies seek, amongst other things whether new development conserves or enhances the historic environment.

In regard to living conditions, the Inspector noted that the garden would be subject to tree litter and not sufficient to provide acceptable living conditions for occupants of this house. Most of the ground floor windows would be screened by the existing boundary treatment, both the main living room and dining room windows would suffer from an unacceptable sense of enclosure. With vegetation contributing to significant shading to all ground floor windows leading to a lack of daylight, especially during the summer months, providing unacceptable living standards for occupants using these rooms. Concluding that the proposed development would fail to create acceptable living conditions for occupiers of the proposed house, with particular regard to the size and practicality of the garden space, outlook and daylight.

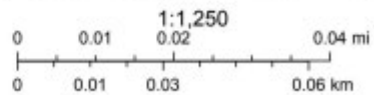
In relation to the issue of land ownership which has been raised by an interested party and responded to by the appellant, the Inspector stated that an appellant does not have to own a site to seek planning permission, but in any case, based on the evidence, there is no reason to conclude that they did not submit the correct ownership certificate. In any event, as the Inspector was dismissing the appeal for the reasons stated and not granting planning permission, land ownership matters would not have had a direct bearing on the decision.

Land To Rear Of 179 High Road Chilwell Nottinghamshire NG9 5BA



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 Site



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