

**Report of the Chief Executive**

**Appeal Decision**

<b>Application Number:</b>	<b>23/00577/OUT</b>
<b>Location:</b>	<b>48 Rivergreen Crescent, Bramcote, Nottinghamshire, NG9 3ET</b>
<b>Proposal:</b>	<b>Outline permission with some matters reserved for detached bungalow</b>

**Appeal Allowed**

**Recommendation by Officer – Approval**

**Recommendation by Planning Committee - Refusal**

**Reasons for Refusal –**

1. The development by virtue of the location of the proposed driveway for the intended house result in a detrimental impact on the amenity of the neighbouring property due to its location immediately adjacent to the boundary. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.
2. The proposal by virtue of the location of the development to the rear of the existing development line is considered to provide an unacceptable pattern of development and create a second tier of development. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.
3. The proposal through the lack of information on flood risk fails to provide confirmation that a property can be built in this location without causing any substantial harm to the future occupiers of the site from flooding. Consequently, the development would be contrary to Policy 1 of the Part 2 Local Plan 2018

**Level of Decision: Written Representations**

The inspector considered the main issues to consider were:

- the effect of the development proposed on the character and appearance of the area;
- the effect of the proposal on the living conditions of the occupiers of 50 Rivergreen Crescent, with regard to noise and disturbance; and,
- whether the proposal would be in a suitable location, with particular regard to flood risk.

**Reasons**Character and appearance

The appeal site relates to a two-storey detached dwelling situated on the northern side of Rivergreen Crescent.

The new dwelling could be described as a backland form of development, there are cul-de-sacs within proximity of the site and dwellings stand to the rear of the host property on Finsbury Road and Grangewood Road. Therefore, the proposal cannot be discounted as being entirely uncharacteristic of the area.

Given its position at the rear of the host property and the distance away from the public highway, together with the single storey nature of the proposed dwelling, it would not be prominent or visually intrusive in the street scene. No local policies have been drawn to my attention that specifically resist the type of development proposed here.

The size of the plot is such that it might comfortably accommodate a dwelling in this location without undue effects to the spacious character of the area. It is sufficiently large to provide a dwelling that would sit comfortably within the plot with garden areas around it, while retaining sufficient external space for the host property, as indicated on the illustrative block plan. Therefore, the overall characteristic of the detached dwellings would still be one of spaciousness.

Living Conditions

The development would introduce additional vehicle movements and pedestrian activity to the side and rear of the neighbouring property. However, the number of vehicle and pedestrian movements associated with the development would be unlikely, given its scale, to result in a significant nuisance to the neighbouring occupiers in terms of noise, disturbance or fumes. The fencing on the side boundary between the two properties would be likely to reduce noise and disturbance to No 50 and its rear garden. It is not considered that the proposal would result in unacceptable noise or disturbance. Accordingly, the development would not unacceptably affect the living conditions of the occupiers of No 50.

Flood risk

The site is within Flood Zone 1, where there is a low risk of main river fluvial flooding, though parts of the rear garden are at risk of surface water flooding. The FRA concludes that the proposal would not present a significant increase in flood risk for the site or for offsite areas. It makes a number of recommendations, including that the finished floor level of the new dwelling be set to match the finished floor level of the existing property in order to provide sufficient protection against all anticipated flood events.

Other Matters

Given that the proposal is in outline form, precise details of the new dwelling, including its siting, layout and orientation, are not available for consideration. On the basis of the size

of the plot, and the spacing between the proposal and the neighbouring properties, It is considered that a satisfactory layout and scale of development could be accommodated within the site which would protect the living conditions of occupiers of the development and neighbouring occupiers. The protection of the mature trees on the site boundaries can be secured by means of a condition.

### **Conditions**

Conditions have been imposed on the decision by the inspector relating to time period for submission of the reserved matters, compliance with the approved plans and submitted FRA. A condition limiting the dwelling to a single storey is necessary and reflects the description of development and the permission that has been applied for.

A condition requiring any development or operations to be undertaken in accordance with an approved tree protection plan is necessary to protect the character and appearance of the area.

A condition requiring the submission and approval of a surface water drainage scheme has been imposed to protect the living conditions of future and neighbouring occupiers.

### **Conclusion**

The Inspector has considered all the submitted evidence and their representative's report and on that basis the appeal is allowed.