

Report of the Chief Executive

Appeal Decision

APPLICATION NUMBER:	25/00663/FUL
LOCATION:	12-14 Moore Gate Beeston NG9 1FX
PROPOSAL:	Construct two additional floors to facilitate the conversion from Use Class E to form 4 cluster flats (Sui Generis)

APPEAL ALLOWED / COSTS AWARDED**RECOMMENDATION BY OFFICER – APPROVAL****REASONS FOR REFUSAL –**

- 1. The proposed development by virtue of massing, scale and design would have a detrimental impact on the living conditions of surrounding residential properties and the adjacent Public House through overbearing, and loss of light due to the increased massing and density of the proposal. Therefore, the proposal is contrary to Policies 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core strategy (2014).*
- 2. The proposed development fails to provide a mix of sustainable travel options due to a lack of parking provision on site, the proposal therefore contrary to Policies 17 of the Part 2 Local Plan (2019).*

LEVEL OF DECISION: COMMITTEE

The inspector considered the main issues to consider were:

- The effect of the proposal on the living conditions of neighbouring occupiers and on the operation and enjoyment of the nearby Star public house, with regard to outlook, light and privacy.
- Whether the development would provide acceptable opportunities for sustainable travel.

REASONSLiving Conditions

- The Inspector noted that whilst some additional loss of sunlight would occur, the evidence provided does not demonstrate that the effect would materially undermine the operation or enjoyment of the beer garden and play area.
- The Inspector concluded that the development would not cause unacceptable harm to the living conditions of neighbouring occupiers or to the operation and enjoyment of the Star public house through overbearing effects, loss of light, or loss of privacy.

Sustainable Travel

- Given the site's proximity to public transport services, employment opportunities, shops and other facilities, together with the provision of cycle storage; the Inspector concluded that that future occupiers would have access to sustainable travel options.
- Further to this, limited persuasive evidence shows that the residual impacts arising from the absence of dedicated parking would be severe.

COSTS AWARDED

In this case, the Council failed to produce sufficient evidence to substantiate the second reason for refusal. The reason was contrary to the conclusions of its own professional officers and was unsupported by the Highway Authority or any other technical evidence. Accordingly, the Council has failed to substantiate its reason for refusal. This amounts to unreasonable behaviour as set out in the Planning Practice Guidance, and the applicant has been faced with the unnecessary expense of addressing this. The application for costs was confined to the second reason for refusal only. A partial award of costs is therefore awarded.