

Report to Planning Committee

Application Number: 2019/1187

Appeal Ref: APP/N3020/W/20/3261883

Location: Land east of 16 Kighill Lane, Ravenshead NG15 9HN

Proposal: Erection of up to 8 dwellings with (private) accesses and garaging

Case Officer: Bev Pearson

Outline planning permission was refused by the Borough Council on the 23rd October 2020 on the following grounds:

1. In the opinion of the Borough Council the layout of the proposed 8 dwellings would result in a development which would appear cramped, over intensive and contrived given the scale and number of dwellings and the constraints of the site. The proposal would consequently fail to respect nor would take the opportunity to improve the character and appearance of the immediate area nor its wider setting to the detriment of the visual amenity of the steetscene. The development therefore fails to accord with section 12 of the NPPF (2019), Policy 10 of the Aligned Core Strategy (2014) and Policy LPD 35 of Local Planning Document (2019).
2. In the opinion of the Local Planning Authority in the absence supporting evidence in terms of the viability of the scheme, insufficient information has been submitted to allow a full assessment of the implications of the development and its ability provide the required contributions and infrastructure (affordable housing). In the absence of a satisfactory unilateral undertaking or any other form of S106 legal agreement or a viability appraisal to demonstrate that the scheme is unviable it has not been demonstrated that the infrastructure directly required for the proposed development would be provided and as such would be contrary Section 4 of the NPPF, Policy 18 and 19 of the Aligned Core Strategy (2014) and policies LPD 36, LPD62 and LPD 67 of the Local Planning Document (2018).
3. In the opinion of the Local Planning Authority by virtue of the separation distances between plots 5 and 6 which would directly face each other over the internal access road, the proposal would result in undue impact on the amenity of the future occupiers of these plots in terms of overlooking. The proposal therefore fails to accord with Section 12 of the NPPF (2019) and Policy 10 of the Aligned Core Strategy (2014) and Policy LPD 32 of the Local Planning Document (2018).

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed.

The Planning Inspector considered that the proposed development and concluded that:-

1. The appeal scheme would have a harmful effect on the character and appearance of the surrounding area by virtue of the introduction of four properties fronting onto Kighill Lane that, whilst following the existing building line, would appear cramped and out of keeping with the surrounding built development of spacious properties and front landscaped gardens. Plots 1 to 4 would be sited close together creating a dominant expanse of development and would have small front gardens primarily dominated by hard standing with little landscaped areas. This would be in contrast to the spacious garden areas of neighbouring properties that have reduced hard standing and prominent natural landscaping. Furthermore, although appearance would be a reserved matter the Inspector raised concern with the visual quality of the development given that the main façade of plots 5 and 6 would, as indicated by the applicant, be devoid of habitable room windows. The Inspector concluded that proposal would therefore be contrary to Policy 10 of the ACS and Policy LPD35 of the LPD.
2. The appeal scheme would not provide adequate infrastructure. The Inspector considered that the Councils approach for the appeal scheme to have infrastructure or financial contribution proportionate to the comprehensive number of dwellings required by the site allocation would be appropriate and reasonable. From the details provided the Inspector was not convinced that the proposed development would be unviable if the proportionate infrastructure or financial contributions were required and concluded that the appeal scheme would be contrary to Policies 18 and 19 of the ACS, Policies LPD62 and LPD67 of the LPD and the NPPF.
3. The positioning of the proposed properties and likely location of window and door openings would ensure that adequate levels of privacy would be provided and that there would not be any direct overlooking issues between the properties on plots 5 and 6. The proposal would also not compromise the living conditions of future occupiers in terms of privacy and would accord with Policy 10 of the ACS and Policy LPD32 of the LPD

Recommendation: To note the information.