
Appeal Decision

Site visit made on 30 November 2016

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th December 2016

Appeal Ref: APP/P3040/D/16/3158135

44 Cooper Close, Cropwell Bishop, Nottinghamshire NG12 3DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Partridge & Miss L Hortor against the decision of Rushcliffe Borough Council.
 - The application Ref 16/01516/FUL, dated 3 June 2016, was refused by notice dated 28 July 2016.
 - The development proposed is proposed first floor extension above existing garage to form bedroom and bathroom including internal alterations.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr G Partridge & Miss L Hortor against Rushcliffe Borough Council. This application is the subject of a separate Decision.

Preliminary matter

3. The postcode given on the original planning application form differed to that on the appeal form and decision notice. For the avoidance of doubt, I have used the appeal form, as this appears to be the correct version.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupants of 43 Cooper Close, with particular regard to outlook and light.

Reasons

5. The appeal site is a semi-detached dwelling within a cul-de-sac of similar types of house. The dwelling has a single storey flat roof garage that sits between No 44 and No 43. The development would extend this to the first floor, but would be setback from the front building line by around 1.6m. The extension would have a pitched roof and include a dormer window. The garage would also have a mono-pitch roof. I understand that a previous application for a largely identical scheme had been refused for broadly the same reasons as this scheme. The only difference between them is that the side wall would be painted white to seek to address the Council's previous concerns regarding light. I shall address this issue below.
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6. No 43 already has a two storey side extension which is well set back from the front of the house. This contains a single front-facing bedroom window. Owing to the extent of the setback, the outlook from this window will already be constrained to by the side wall of the main house, thus limiting views to straight out of the window and across the single storey garage of No 44.
7. Notwithstanding the proposed setback from the front building line, the development would project well beyond the end of the extension of No 43. This would result in the structure being visible from the bedroom window. While this may be at an oblique angle, it would still serve to further limit the outlook from this window and would be significantly closer and more intrusive than the existing side wall of No 44.
8. The appellants have suggested that outlook is not affected as the occupant can still look straight out of the window. However, it is clear that the existing outlook would be closed off to a considerable extent and would result in an increased feeling of enclosure and confinement. This would result in an unacceptable relationship between the dwellings that would tangibly diminish the quality of the interior environment of the bedroom to the material detriment of the living conditions of the occupiers.
9. I do not accept the appellants' observation that the extension would be similar in nature to that which may constitute permitted development for single storey extensions. This ignores the context of the development, including the existing nature of the extension at No 43 and the resulting relationship between the two dwellings. What is being proposed is not permitted development under the General Permitted Development Order (2015) and these are material factors that need to be given full and proper consideration.
10. The Council's reason for refusal also includes a concern relating to loss of light to the bedroom. This is not expanded on in the officer report and I have been provided with no substantive evidence from any party as to the effect on daylight entering the room. At some points in the day the bedroom benefits from direct sunlight and this is unlikely to change to any significant degree. It would be reasonable to assume that the reduction in the gap between buildings would have some effect on daylight. However, I have nothing persuasive before me that this would be significant in the context of the existing situation and orientation of the dwelling or materially harmful to the occupants of the room.
11. The appellants have sought to mitigate any harmful effects by proposing to paint the side wall white. This was a suggestion of the Council in the previous application. As I have insufficient evidence to find against the development in terms of daylight, this is not a significant factor in my decision. However, this would do nothing to allay my concerns over the impact of the development on the outlook from No 43 or the unduly oppressive nature of the extension.
12. I recognise that some of the restrictions on outlook are due to the relationship between the bedroom window and the side wall of No 43 itself. However, this is not sufficient justification to permit a development that would unacceptably exacerbate the existing situation and materially harm the living conditions of the occupants.
13. I find, therefore, that the development would have a materially detrimental impact on the outlook of the occupant of No 43. Accordingly, there would be

conflict with the core planning principles of the National Planning Policy Framework, which seeks to achieve a good standard of amenity for all existing occupants of buildings. While not part of the statutory development plan, I also find conflict with the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) policy GP2, which seeks, amongst other things, to ensure that there is no significant adverse effect on residential amenity.

Other matters

14. In coming to this conclusion, I have had regard to the fact that the Council have raised no concerns about the effect on the character and appearance of the area. However, this does not outweigh the concerns expressed above.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR