
Appeal Decision

Site visit made on 29 March 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 18th April 2017

Appeal Ref: APP/P3040/D/16/3160933

14 Broadstone Close, West Bridgford NG2 7UE

- 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 Ms Nagina Kausar against the decision of Rushcliffe Borough Council.
 - The application Ref 16/01733/FUL, dated 6 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed was originally described as "to extend over the existing garage including a small 2 storey section at the rear – also to erect single storey rear extension and convert the existing loft including 2 rear dormers and an increase in ridge height".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. I have also noted a different description has been used on the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I observed that building work had already commenced on site at the time of my visit. This included works to the front elevation in relation to the double integral garage and the partial construction of a rear ground floor extension. Some of these works did not appear to fully correspond to the submitted plans, particularly in relation to the rear ground floor extension. For the avoidance of any doubt, my decision relates to the development as proposed on the submitted plans only and not on any works that have already been carried out.

Main Issues

4. The main issues are the effect of the development on:
 - (a) The character and appearance of the area; and
 - (b) The living conditions of neighbouring occupants, with particular regard to outlook.
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Reasons

Character and appearance

5. The appeal site is a relatively modern two storey detached dwelling located at the end of a residential cul-de-sac of similar dwellings. It has a double integral garage, part of which extends to the side of the house as a single storey projection between No 14 and No 12. The house sits behind a small front garden and drive and the property has a reasonably generous rear garden, bounded by a high close-boarded fence between the dwelling and neighbouring properties. A public footpath passes by the side of the dwelling and there is a cut through to this from the cul-de-sac that runs across the front of the boundary of No 14.
6. I have no particular concerns with regard to the design of the single storey rear extension or the effect on character as a result of the conversion of the garages. In addition, the provision of a new 'hit and miss' boundary treatment to the front of the site would not be out-of-keeping with the area as there are other examples in the vicinity of the site, including directly opposite.
7. However, there are other alterations that do give rise to concerns. The dormer windows would be large features that would dominate the roof slope. Owing to their overall size, height, design and prominence they would fundamentally alter the character of the dwelling such that it would appear almost as a three storey building. The position of the dormers on the roof slope, and their relationship with the rooflight proposed for the side extension, would also create a sense of unbalance and lack of symmetry in the overall design of the house. This would appear awkward and be detrimental to the character of the dwelling.
8. I saw no other examples of large dormer windows in the immediate vicinity of the site. As such, they would appear as incongruous and unduly dominant features in the area. Whilst they would be to the rear of the dwelling and thus not prominent from Broadstone Close itself, they would still be visible from the private views of neighbouring properties and to anybody approaching the dwelling along the public footpath. The alien and inappropriate nature of the dormers would readily be apparent from all of these vantage points.
9. The roof of the side extension would be lower than the main roof by only a small amount. This would result in only a minimal sense of subordination between the extension and main building. The side extension would also reduce the sense of openness that exists between No 12 and No 14. Whilst the distance between the buildings would not change at ground floor level, the current gap at first floor and above would be significantly reduced. The overall increase in size of the building and the associated reduction in openness between the buildings would result in something of a cramped and over intensive form of development.
10. I have no particular concerns over the increase in the height of the main roof ridge in itself. However, when combined with the side extension and dormer windows in particular this would only serve to exacerbate my concern that the resulting dwelling would be unduly large and bulky in the context of nearby properties.

11. I find therefore that the development would have a materially harmful effect on the character and appearance of the host dwelling and the wider area. Accordingly, there would be conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS) which seeks, amongst other things, to ensure that development creates an attractive environment and has regard to local context and character. There would also be conflict with Paragraph 64 of the National Planning Policy Framework (the Framework) insofar as the development would be of a poor standard of design which fails to improve the character and appearance of the area.
12. While not part of the statutory development plan, I also find conflict with the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006)(NSLP) Policy GP2, which seeks, amongst other things, to ensure that the scale and design of proposals are sympathetic to the character and appearance of the area.

Living conditions

13. The Council has not specified which properties it considers would be affected by the development, though it would be reasonable to assume that it would be the nearest neighbours. This would be 12 Broadstone Close which sits to one side of the property and 26 Purbeck Drive which backs onto the site.
14. The increase in ridge height and overall bulk of the building would clearly alter the outlook from No 26. The ground floor extension would also bring the two buildings closer together. However, I am satisfied that would still be sufficient separation between the dwellings to ensure that the development would not result in an overbearing or intrusive presence to occupiers of this dwelling.
15. In terms of the effect on No 12, the changes at first floor level and above would take place behind the rear building line of this building and would thus not be visible from any window in that house. Nonetheless, the ground floor extension would extend beyond the end of No 12. The existing side extension only comes part way across the side gable of No 14 and thus the extension would alter the relationship between the two buildings. According to the submitted plans, the side wall of the extension would come within 2m of No 12 and would be visible over the existing close-boarded fence. While the highest part of the extension would not be visible, the slope extends some distance from the rear of No 14. Even though it would be viewed at something of an oblique angle, the proximity of the extension and its relative height would result in an intrusive feature. I consider this would create an unacceptable sense of enclosure to this side of the dwelling that would materially harm the living conditions of the occupants.
16. Accordingly, there would be conflict with the core planning principles of the Framework which seek, amongst other things, to achieve a good standard of amenity for all existing occupants of buildings. There would also be conflict with NSLP Policy GP2 which seeks, amongst other things, to ensure that there is no significant adverse effect on residential amenity.

Other matters

17. The appellant has drawn my attention to the fact that they received favourable pre-application advice in relation to the scheme and that there was a recommendation for approval from the Council's officer. Nonetheless, the pre-application advice was given without prejudice to any final decision and elected

Members have the right to disagree with their professional advisors if there are legitimate planning grounds to do so. In this case, I have agreed with their conclusions that the design would be inappropriate and would cause harm to the living conditions of neighbouring occupants.

18. I have noted the appellant's reference to certain alterations to the building and the implementation of boundary treatments as being acceptable under permitted development rights. The intention of the appellant to extend the building is clear. However, there is nothing before me that demonstrates the extent of development that could be achieved through permitted development. Moreover, there is nothing to suggest that an alternative scheme would have the same or greater impact than what is proposed here. As such, the potential to use permitted development rights to extend the building does not outweigh my concerns about the specific nature of the development before me.
19. The appellant has drawn my attention to a nearby example of an extension that has been granted permission. The plans for the development at 6 Broadstone Close have been provided and it is clear that there are marked differences between the two developments. There is no indication in these plans that the roof height has been increased and no dormer windows have been included. Moreover, the rear single storey extension does not project as far from the rear wall of the host dwelling or take up the full width of the building. As such, I do not consider the schemes to be comparable and this does not lead me to alter my conclusions as to the effect of the development before me.
20. I have noted that the Council's reason for refusal did not refer to the effect on privacy but this has been raised by interested parties. While the development would lead to additional windows on the rear elevation at first floor level and above, these would not be any closer to 26 Purbeck Drive than existing windows. Even with the increase in height of some windows, I do not consider there would be any significant increase in the opportunities to overlook their garden than currently exist. The windows at ground floor level would be closer to No 26, but I am satisfied there would be sufficient screening between the two properties to ensure there would be no harm. The increase in height of the building would also be unlikely to have any material effect on the amount of light entering nearby gardens or windows. However, these factors do not outweigh my overriding concerns over the acceptability of the scheme.
21. I have already concluded that the proposed boundary treatment would not be unacceptable in terms of local character and appearance. I also see no reason why it would have any particular effect on antisocial behaviour or personal safety associated with the footpath. There are already numerous examples of high fences running alongside this path in the area around the site. However, this also does not outweigh my concern that the overall nature of the scheme would be harmful to local character.

Conclusion

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

S J Lee

INSPECTOR