
Appeal Decision

Site visit made on 3 April 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/Q3060/D/17/3171472
29 Chalfont Drive, Nottingham NG8 3LS

- 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 M Asgar against the decision of City of Nottingham Council.
 - The application Ref 16/02729/PFUL3 PP-05663826, dated 29 November 2016, was refused by notice dated 24 February 2017.
 - The development proposed is 2 bedroom chalet bungalow annex to rear of 29 Chalfont Drive.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly the effect of the proposal on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of the occupiers of surrounding residential properties with particular regard to outlook, noise and disturbance.

Reasons

Character and appearance

3. 29 Chalfont Drive is a detached house sited in a residential area with a mix of detached and semi-detached houses sited on fairly uniform building lines. As a result there is a strong linear character to the buildings in the area in the vicinity of No 29. To the rear of the appeal site are dwellings on Westholme Gardens and Ennismore Gardens.
 4. The intervening area between the rows of houses is formed by gardens, well stocked with shrubs and trees with low boundary treatment. As a result the area creates a verdant open space providing the setting of the houses. The appeal site has a large garden which is laid to lawn with some small shrubs. Boundary treatment is low. Consequently, the appeal site contributes positively to the open spacious area formed by the gardens.
 5. The proposed development, being located to the rear of existing properties would introduce an inappropriate form of development which is out of character with the existing pattern of the linear built form. Furthermore, while the proposed building would be single storey it would extend across the majority of the width of the rear garden and have a considerable depth. Accordingly, the
-

large structure would form an incongruent and obtrusive structure considerably eroding the open spacious character formed by the rear gardens. I acknowledge that views of the proposed building would be limited from the street. Nevertheless, the large structure would, because of the open nature of the area, be visible from neighbouring dwellings. The undue prominence of the building would therefore be apparent within the wider residential area where I saw outbuildings are generally of a small scale domestic nature.

6. For the reasons above I conclude that the proposal would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies Part One Local Plan 2014 (CS). This requires, amongst other things, that development must have regard to local context and reinforce local valued characteristics.

Living conditions

7. 26 Westholme Gardens is a semi-detached property with large patio doors at ground floor and clear glazed windows serving the first floor. All currently have an open outlook over the rear gardens.
8. Even though the proposed building would be about 15 metres from No 26 and set around 1.4 metres from the boundary, its rear elevation would still be close enough to dominate the outlook from the rear windows of No 26 and from much of the rear garden. Because of its height and width, it would have an unpleasantly enclosing and overbearing effect on the garden and on the outlook from the ground floor windows of No 26. Furthermore, the proximity to the boundaries of the properties either side of No 26 means that the proposal would also be significantly overbearing to those gardens. The provision of landscaping to screen the building would take some time to establish and would in any case not be sufficient to overcome the harm I have identified.
9. The proximity of the proposal to the rear gardens of neighbouring dwellings means that there would be the potential for increased noise associated with the potential occupiers accessing the living accommodation. Furthermore, windows serving a bathroom and bedrooms in the side and rear elevation would be close to the boundaries with neighbouring properties. Accordingly, particularly in the warmer months when windows may be open, increased noise would be experienced in the neighbouring rear gardens.
10. The introduction of unexpected noise close to neighbouring gardens would be harmful to the occupiers' quiet enjoyment of their private space. The distance to the houses themselves, would ensure though that any noise and disturbance to the surrounding living accommodation would not be unduly harmful.
11. For the reasons above I conclude that the proposal would be harmful to the living conditions of the occupiers of surrounding residential properties with particular regard to outlook and noise and disturbance. It would therefore be contrary to Policy 10 of the CS which states that development will be assessed in terms of its impact on the amenity of nearby residents or occupiers.

Other matters

12. The appellant points out that a marginally smaller building could be erected using permitted development rights. Furthermore, an outbuilding could be

erected which would be used as a workshop and give rise to noise and disturbance without consent. However, I have no substantive evidence to indicate that there is a significant probability that such structures would be constructed should this appeal be dismissed. This limits the weight I can attach to it as a fallback position.

13. I also note that it is the intention to use the accommodation for extended family. However, whereas the provision of the building would be permanent in respect of its adverse impacts, personal circumstances change and are therefore more temporary. Furthermore, there is limited evidence before me to suggest that a less harmful scheme could not achieve the same aims. Thus, I give this suggestion little weight.

Conclusion

14. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR