The Planning Inspectorate

# Appeal Decision

Site visit made on 18 April 2017

**by Darren Hendley BA(Hons) MA MRTPI**

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

**Decision date: 8 May 2017**

**Appeal Ref: APP/P3040/D /17/3169532**
**65 Highfield Road, West Bridgford NG2 6DR**

- 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 Mrs Deborah Osborn against the decision of Rushcliffe Borough Council.
- The application Ref 16/02721/FUL, dated 21 October 2016, was refused by notice dated 15 December 2016.
- The development proposed is demolition of conservatory, single storey rear extension, first floor extension to rear.

## Decision

1. The appeal is allowed and planning permission is granted for demolition of conservatory, single storey rear extension, first floor extension to rear at 65 Highfield Road, West Bridgford NG2 6DR in accordance with the terms of the application, Ref 16/02721/FUL, dated 21 October 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan dated 21/10/2016; Site Plan Scale 1:500; and Proposed Extensions to Property dated September 2016.

    3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

    4) The roof area of the ground floor element of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

## Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties at 66 and 64 Clumber Road.

## Reasons

3. The appeal site is located at the end of Highfield Road, where the side boundary adjoins a number of other residential properties on neighbouring Clumber Road. The rear elevations of the dwellings at Nos 66 and 64 are orientated towards their rear gardens, and the side elevation of the appeal property and its rear garden. The boundary between the appeal site and Nos 66 and 64 is defined by a close boarded fence. The rear gardens of Nos 66 and 64 are of reasonable length with the respective dwellings well set back from the boundary with the appeal site.

4. The proposed first floor extension would be set in from the boundary with No 66 and the roof would be hipped, so taking the bulk of the roof further away from this boundary. The overall height of the first floor extension would also be set down from the main roof line of the house. The first floor extension would not take the appeal dwelling any nearer to No 66 than at present and the length of the extended side wall would not unduly enclose the rear of No 66. I consider the size and proximity of the first floor extension to No 66 would not result in overbearing impacts on the occupiers of this property.

5. The extensions would not project as far as the garden boundary with No 64. The extensions would not result in enclosed or overbearing impacts on the occupiers of No 64.

6. There would not be loss of sunlight to the occupiers of Nos 66 and 64 due to the positioning of the appeal site to the north of these properties. I am satisfied that with the size and proximity of the extensions there would also not be an undue loss of daylight or harm to outlook.

7. The positioning of doors and a 'juliet' balcony on the rear elevation of the first floor extension would mean that any overlooking of Nos 66 and 64 would not be unreasonable due to the angles involved. The flat form of the proposed single storey rear extension could allow access from the doors into the roof for outdoor amenity use. This would result in an unacceptable level of overlooking of Nos 66 and 64. However, this can be addressed through a planning condition to prevent this use of the roof area.

8. I attach very little weight to any effect on property valuation as it does not go to the merits of the planning case.

9. Whilst the Rushcliffe Borough Non-Statutory Local Plan (2006) (NSLP) is not part of the development plan, its policies are used for development management purposes. The weight it can be afforded is less than that attached to an up-to-date adopted development plan document. However the policies cited are in broad consistency with the National Planning Policy Framework (Framework) and so, insofar as they are a material consideration, I afford them significant weight.

10. I find the proposal does not materially harm the living conditions of the occupiers of Nos 66 and 64, and as such complies with Policy GP2 of the NSLP which states that planning permission will be granted as long as extensions do not have an overbearing impact, amongst other protections concerning living conditions. Similarly, I find the proposal complies with paragraph 17 of the Framework as it would provide a good standard of amenity for all existing and future occupants of land and buildings.

## Conditions

11. I have imposed conditions necessary in the interests of certainty and for the avoidance of doubt; that seek to safeguard the character and appearance of the area, and details of materials are required pre-commencement as the construction of the exterior of the proposal is likely to commence towards the start of the implementation of the planning permission; and to protect the living conditions of the occupiers of Nos 66 and 64.

## Conclusion

12. For the reasons set out above, I conclude the appeal should be allowed.

*Darren Hendley*

INSPECTOR