
Appeal Decision

Site visit made on 16 May 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 30th May 2017

Appeal Ref: APP/Q3060/W/17/3169512
5 Holles Crescent, Nottingham NG7 1BZ

- 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 Christine Brooke against the decision of City of Nottingham Council.
 - The application Ref 16/02276/PFUL3, dated 16 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is change of use from - conversion and extension to create annexe, changed to create stand-alone dwelling with garage and outside space.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has described the proposal at appeal stage as being for change of use of the annexe to a one or two bedroom property. In the absence of any amended plans, I have assessed the proposed development on the basis of the submitted plans that accompanied the application and which were the subject of public consultation. These show a two bedroom house. The second bedroom would be created by converting the open living space on the first floor to a bedroom.

Main Issues

3. The annexe provides living accommodation ancillary to the house at No 5. The main issue in this appeal is whether its change of use to a dwelling would provide acceptable living conditions for future occupiers, with regard to outlook, privacy, internal living space provision and amenity space provision, and the effect of the proposed development on the living conditions of the existing house at 5 Holles Crescent with regard to privacy and outlook.

Reasons

4. 5 Holles Crescent is located within a residential area close to the centre of Nottingham and the services, facilities and public transport that it has to offer. It is therefore in an accessible location.

Living conditions

5. In planning policy 'living conditions' are also referred to as 'amenity'. Between them policies 8 and 10 of the Nottingham City Aligned Core Strategy advise, respectively, that residential development should have adequate internal living space and that proposals will be assessed in terms of the impact on amenity. The National Planning Policy Framework ('the Framework') is also an important
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material consideration. It seeks the delivery of high quality homes. A core planning principle of the Framework is that high quality design and a good standard of amenity for future occupants of buildings should always be sought.

Outlook

6. The annexe and front of the tall 3 storey house are angled towards each other. All the windows to the main habitable rooms of the annexe, with the exception of the proposed front bedroom, face towards the house. Owing to the house's stepped front building line, it is consistently approximately 6m away from the annexe. As a result, the outlook from the annexe's rear bedroom is completely enclosed by the close proximity of the walls and windows of the house resulting in an oppressive outlook.
7. The outlook from the open plan kitchen / living room would differ due to the proposed boundary fence separating the dwelling from the existing house. As the kitchen / living room is level with the sunken patio, and the fence would be located in the garden area at a higher level, the outlook from this room would be enclosed by a fence 3m away to a height of approximately 2.4m. In combination with the presence of the tall three storey house close by beyond, this would result in an enclosed, overbearing outlook.
8. Given that a number of the main habitable rooms in the house have bay windows providing views in different directions, the outlook from the main house would be acceptable.

Privacy

9. The bay window to the first floor bedroom of the existing house would overlook the proposed dwelling. There would be intimate views of the living room through the wide, full height glazed patio doors to this room and views of much of the proposed dwelling's private amenity space. As a consequence, the privacy of future occupiers of the proposed dwelling would be materially harmed. In return views, privacy within the bedroom of the existing dwelling would also be harmed.
10. At first floor level within the proposed dwelling, the only window to a habitable room facing the main house serves the rear bedroom. Given that this faces a largely obscured window to a bathroom privacy in this view would not be adversely affected to a significant degree.

Living space

11. The Nationally Described Space Standard (NDSS) published by government as part of its Technical Housing Standards in 2015 sets minimum internal space standards for new dwellings. For a two bedroom, two storey dwelling the minimum gross internal floor area is 70 square metres (sqm). However, the NDSS only applies in those local planning authority areas where a relevant current local plan policy has adopted it and explained how it will be applied. In this case, no such policy has been referred to. Therefore, whilst the NDSS remains a material consideration, insofar as it indicates what the government envisages internal space standards could be if the hurdles to adoption of a relevant policy had been overcome, I attach only some weight to it. In the absence of adopted space standards in relation to new dwellings, the adequacy of internal space provision is therefore a matter of planning judgement.
12. The Council states that the proposal would have an internal floor area of 63sqm, whilst the appellant states it would be 70sqm. In my view, having

viewed the submitted plans and visited the building I consider the appellant's estimate to be the more accurate. It appears to me that the annexe, although compact, has sufficiently internal space for a reasonable range of furniture, whilst also allowing occupants to easily move around and carry out day to day activities. I therefore find the internal living space to be adequate.

Amenity space

13. The private amenity space to the proposed dwelling would consist mainly of a patio area with a small area of garden around it. The appellant states that it would measure approximately 32sqm and this has not been challenged by the Council. On the basis of the plans and what I have seen of the site I have no reason to disagree with this estimate. The amenity space would be large enough to dry clothes and sit out and enjoy fine weather. Whilst small, future occupiers would be able to make an informed decision as to whether the amenity space would be large enough for them. Adequate private amenity space would therefore be provided.

Conclusion on living conditions

14. Notwithstanding my favourable findings in relation to living space and amenity space, this does not negate the unacceptable harm caused to living conditions of future occupiers of the proposed dwelling by virtue of poor outlook and overlooking, and to the living conditions within the existing house in terms of privacy. For the reasons that I have given, the proposed development would therefore be contrary to policy 10 of the Aligned Core Strategy and a core planning principle in paragraph 17 of the Framework.

Other matters

15. The appeal property lies within the Park Conservation Area. In the exercising of planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Conservation Area covers a formally laid out residential area that contains well designed buildings predominantly from the Victorian era. The significance of the Conservation Area is therefore architectural and historical. The proposed change of use would not alter the external appearance of the building in public views. Consequently, it would preserve the character and appearance of the Conservation Area and its significance, and comply with the statutory test.
16. If the development went ahead, there are concerns that the poor relationship of the dwelling to the existing large house would increase the likelihood of it being converted into flats. This would result in the loss of a single family dwelling, which is a type of property policy 8 of the Aligned Core Strategy seeks to protect, and additional bin storage and parking that could harm the Conservation Area. However, as such a conversion would require planning permission, and each application is assessed on its merits against local and national planning policy, this is a consideration of limited weight against the proposal.
17. My attention has been drawn to three other properties positioned close to buildings nearby. I have not been provided with any further information regarding these schemes. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable

development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

18. The development would result in an open market house of lower cost than is characteristic of the area and for which there is a demand. It would also be in an accessible location. However, these considerations are insufficient to outweigh the harm that I have identified would be caused to living conditions. For the reasons that I have given, and having regard to all other matters raised, the appeal should therefore be dismissed. In reaching this decision, the views of local residents have been taken into account.

Ian Radcliffe

Inspector