
Appeal Decision

Site visit made on 13 June 2017

by R Norman BA (Hons) MA MRTPI

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

Decision date: 28th June 2017

Appeal Ref: APP/W3005/W/17/3171235

Green Service Station, 140 Nottingham Road, Selston NG16 6BX

- 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 Janagha Wafa against the decision of Ashfield District Council.
 - The application Ref V/2016/0610, dated 27 May 2016, was refused by notice dated 18 November 2016.
 - The development proposed is extension to the rear of shop floor with service access and new retaining wall.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal on the living conditions of adjoining residents.

Reasons

3. The proposed extension to the shop would extend to the south of the existing site. As a result the building would come closer to the adjacent residential bungalows on Sperry Close. There is a significant difference in land levels between the appeal site and Sperry Close and the development would require the existing sloping area of land to be built up with a new retaining wall. The proximity of the proposal to the neighbouring dwelling at No 7 Sperry Close, combined with the difference in land levels, would result in a development that would appear to tower over the dwelling and garden. As such it would have a significantly enclosing and overbearing effect on the garden of No 7.
4. The appellant points out that the residents of No 7 already have a view of the existing shop, that there are trees which provide some screening and that additional planting could be provided. The existing trees provide only a partial screen and the height, scale and proximity of the proposed extension would greatly increase the impact as compared with the existing situation. The intervening strip of land would be narrow and steeply sloping and would offer little scope for landscaping. In my view any new planting here would not be sufficient to mitigate the harm to the living conditions of the adjoining residents.

5. Whilst I note that the separation distances between the dwellings on Sperry Close are closer than the proposal would be to No 7, they are on a similar land level and are all dwellings within a typical suburban layout. As such they are not comparable to the proposal. I conclude that the proposal would be harmful to the living conditions of the occupants of No 7 and therefore fails to comply with Saved Policy ST1(b) of the Ashfield Local Plan Review, 2002, which amongst other matters seeks to protect residential amenity. It would also be contrary to the core principles of the National Planning Policy Framework insofar as they seek to ensure a high standard of amenity for existing and future occupants of land and buildings.

Other Matters

Design

6. The proposed extension would continue the flat roofed nature and the design of the existing store and extend further into the site. As such the proposed design and scale would not give rise to undue harm to the character of the area in visual terms. Nevertheless, this is not sufficient to outweigh my concerns in relation to the impact on the living conditions of adjoining residents.

Viability and Security

7. I have considered the reasons for proposing the extension in terms of the viability of the site and I noted the proximity of other retail units in the area, however this is not sufficient to outweigh my judgement in relation to the harmful impacts on nearby living conditions. In terms of the security aspects I noted the presence of a security camera on the existing building and consider that security issues could be adequately dealt with by the use of further alarms and cameras if necessary.

Conclusion

8. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR