
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: 03 July 2017

Appeal Ref: APP/W3005/D/17/3171876

9 Litton Avenue, Sutton in Ashfield NG17 3AB

- 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 Nick Walton against the decision of Ashfield District Council.
 - The application Ref V/2016/0741, dated 25 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is described as "existing rear dormer extension with maintenance access balcony".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on;
 - the living conditions of adjoining neighbours in terms of privacy, light and whether or not it would have an overbearing effect; and
 - the character and appearance of the area.

Reasons

Living Conditions

3. The proposal would extend the existing dormer and introduce a new balcony to the rear of the property. The balcony would extend across almost the whole rear width of the dwelling. Whilst there is already overlooking of the neighbouring gardens and properties from the existing dormer and Juliet balcony, this would be exacerbated by the introduction of the proposed balcony. The balcony is proposed to be used for maintenance access and I understand that due to the height of the existing dormer there are issues with the maintenance of the gutters. However it would be difficult to prevent the balcony from being used for other purposes, such as for standing or sitting out on, and therefore there is potential for prolonged use which would exacerbate the level of overlooking and loss of privacy to the neighbours to a harmful degree.
4. The proposed dormer extension would extend towards the adjoining semi-detached property, 11 Litton Avenue. It would continue the flat roofed form of the existing dormer. No 11 has roof lights in the rear roof plane which serve a second floor bedroom and the extended dormer would be a significant addition

to the property and would be closer to these roof lights than the existing dormer. It would also be positioned to the south west of them. Consequently, whilst there would be no overlooking from the dormer extension itself into these roof lights, it would result in a loss of light to the second floor bedroom of No 11. Its scale and proximity to the neighbouring property also lead me to conclude that it would have an overbearing impact in relation to the same room. I acknowledge that there is an existing dormer. However, the extension of this and the resulting proximity to the roof lights to No 11 would be harmful in terms of living conditions.

5. For all of the above reasons the development would be harmful to the living conditions of the residents of No 11. As such the proposal fails to comply with Policy HG7 of the Ashfield Local Plan Review, and the Residential Extensions Design Guide SPD, which seek to ensure that extensions do not adversely affect the residential amenity of neighbouring properties.

Character and Appearance

6. The dormer extension would reflect the features of the existing dormer by continuing the existing flat roof and use of similar materials. Whilst the proposed extension and balcony would be visible from the surrounding properties, given the appearance of the existing dormer I consider that the extension of this would not fundamentally change the character of the development and would not result in any harm to the character of the area in visual terms. I therefore find no conflict with Policies HG7 and ST1 of the Ashfield Local Plan Review, insofar as they seek to ensure that development does not adversely affect the character, quality, amenity and safety of the area. The acceptability of the design, however, does not outweigh my concerns in relation to the impact on the living conditions of adjoining neighbours.
7. Whilst the development would provide a more accessible master bedroom and improve the existing family home I consider that the harm that would be caused to the living conditions of No 11 would not be outweighed by this benefit.

Conclusion

8. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR