

# Appeal Decision

Site visit made on 19 June 2017

**by P Eggleton BSc(Hons) MRTPI**

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

**Decision date: 04 July 2017**

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**Appeal Ref: APP/W3005/D/17/3175617**

**43 Westdale Road, Jacksdale, Nottingham NG16 5JG**

- 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 R Anthony against the decision of Ashfield District Council.
  - The application Ref V/2017/0046, dated 28 July 2016, was refused by notice dated 23 March 2017.
  - The development proposed is a garage and store.
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## Decision

1. The appeal is allowed and planning permission is granted for a garage and store at 43 Westdale Road, Jacksdale, Nottingham NG16 5JG in accordance with the terms of the application, Ref V/2017/0046, dated 28 July 2016, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, RA1/07/16 and RA2/07/18.
  - 3) The details of the materials to be used in the construction of the external surfaces of the building hereby permitted shall have been submitted to and approved in writing by the local planning authority prior to the construction of the walls of the building. The works shall be carried out in accordance with those approved details.

## Main Issue

2. The main issue is the effect on the living conditions of the neighbouring residents with regard to light and outlook.

## Reasons

3. The proposal would result in a building that would extend across the rear garden of this property. Although dependent on the final slab levels, it would appear that the eaves would be no higher than 2.5 metres above the existing garden level. The roof would have a very shallow pitch. I am mindful that the Council has provided no evidence to suggest that the appellant would not be entitled to erect a two metres high fence to the side and rear boundaries.
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4. To the rear, the property has a relatively high fence and trellis. The building would be set slightly in from that boundary. The property to the rear has a relatively short rear garden but I am not persuaded that a structure of this limited height, close to the boundary, would be overbearing when within that garden. I am also not satisfied that the difference in the levels of shading, when comparing this proposal to the existing arrangement, would unacceptably reduce the living conditions of the residents to the rear.
5. The garage would extend about six metres along the shared boundary with 45 Westdale Road. It would sit close to the higher outbuilding within that property. Although the boundary fence is relatively low, given the relationship with the neighbouring structure, I find no reason to suggest that the proposal would have a significant impact on the existing living conditions of those residents.
6. The other adjacent garden serving 41 Westdale Road has a relatively low side boundary. The new building would however be only about four metres deep along this side boundary and given its position at the end of this relatively long garden and its limited eaves height, I am not satisfied that it would be overbearing for the neighbouring residents or that it would materially alter shading levels within their garden.
7. The Council suggest that the low boundaries that serve these properties result in an open feel to this garden area. Whilst some properties have relatively low boundaries, this is by no means a uniform arrangement. There is a substantial hedge and other higher fences within the immediate vicinity. In any event, I am not satisfied that this outbuilding, which is of relatively modest scale, would be an overly dominant feature.
8. I conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring residents with regard to outlook or loss of sunlight. It would not therefore conflict with policy HG7(b) of the Ashfield Local Plan Review 2002 which seeks to protect residential amenity. It would also satisfy the more general requirements of Policy ST1. As these policies generally accord with the amenity requirements of the *National Planning Policy Framework*, I afford them considerable weight.
9. I have had regard to the concerns of the Council but consider them to be unfounded. I therefore allow the appeal.
10. I have imposed conditions relating to the commencement of development and the details of the approved plans in the interests of proper planning and to provide certainty. I have required that the materials be agreed, as suggested on the approved plans, to ensure that the development would have a satisfactory appearance. The Council have suggested a condition to limit the use of the building so that it could only be used for the benefit of the occupants of the dwelling and their visitors and for no other purposes. As an alternative use would require planning permission, such a condition would be unnecessary.

*Peter Eggleton*

**INSPECTOR**