
Appeal Decision

Site visit made on 21 August 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/P3040/W/17/3176028

**Situated between 67-69 Covert Crescent, Radcliff on Trent,
Nottinghamshire NG12 2HN**

- 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 John Hawkins against the decision of Rushcliffe Borough Council.
 - The application Ref 17/00016/FUL, dated 4 January 2017, was refused by notice dated 17 March 2017.
 - The development proposed is described as "variation of approved design to include a partial first floor to create a chalet bungalow at Covert Crescent Radcliffe on Trent, Notts, NG12 2HN."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refer to Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006 (RLP). I gather the RLP is not part of the development plan, but the evidence before me suggests that it has been subject to wide consultation before its adoption. Also, as Policy GP2 reflects paragraph 17 of the National Planning Policy Framework (the Framework) I attach substantial weight to it in reaching my decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 69 Covert Crescent, with regards to outlook and natural light.

Reasons

4. The appeal site lies between the bungalow of No 69 and the two storey detached dwelling of 67 Covert Crescent. The site was once part of the rear gardens of Nos 69 and 71, but it is now fenced off, forming a distinct piece of land. Notably ground levels on this part of Covert Crescent rise sharply from north to south. Thus, the appeal site has a higher ground level than No 69. A timber fence extends along the boundary between the site and No 69.

Prior to this appeal, a number of schemes have been considered by the Council and my colleague Inspectors. A scheme was dismissed at appeal in 2006 for a new three bedroom house on the basis that the proposal would harm the character and appearance of the area and detrimentally affect the living

conditions of the occupants of No 69¹. In 2014 an appeal was also dismissed² for the *construction of new dwelling on vacant plot between 67 & 69 Covert Crescent*. This scheme was considered to cause harm to the living conditions of the occupants of No 69 as it would have an overbearing effect and cause a loss of light. Since the 2014 decision, planning permission³ has been granted by the Council following revisions to the scheme. In any event, even if a similar reason for refusal has been used by the Council, I have considered the proposal on its own planning merits.

5. A single storey hipped roof section would be closest to No 69 while an asymmetrical first floor would be handed towards No 67. Both roof planes would angle away from the south-facing rear elevation windows in No 69. While the separation distance may be unchanged from the approved scheme, the overall scale and mass of the proposal would not be the same or marginally different, notwithstanding the eaves height of the single storey element.
6. I do still recognise that the first floor would be lower than No 67, and in design terms it would represent a transition between two different dwelling types. While this would mean that the first floor would be viewed up against No 69, the scale and mass of the proposed first floor would be far closer to the rear elevation windows in No 69. The proposed dwelling would also extend right across this elevation. So, despite the lack of any objections and the boundary fence, I consider, in tandem with the higher ground levels and the proximity of the development to the rear elevation windows of No 69, that the proposal would lead to an overbearing effect on and cause loss of natural light to No 69.
7. The proposal would make a modest positive contribution to the provision of housing in the borough, but even if the dwelling's design is modern and the Council did not raise issue with its appearance, high quality and inclusive design goes beyond aesthetic considerations. In this regard, the scheme would not accord with paragraph 17 of the Framework as it would not secure a good standard of amenity for all existing and future occupiers of land and buildings. The proposal would not therefore fulfil the environmental role of sustainable development as set out in paragraph 7 of the Framework.
8. I have had regard to the planning conditions suggested by the parties, but I do not consider that this otherwise unacceptable development could be made acceptable though the use of conditions.
9. Thus, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 69, with regards to outlook and natural light. This would be contrary to RLP Policy GP2 and paragraphs 7 and 17 of the Framework; which jointly seek, among other things, development to be sympathetic in terms of its scale and massing so that it is not overbearing in relation to neighbouring properties, nor lead to undue overshadowing.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

¹ Appeal Decision Ref: APP/P3040/A/06/2012318

² Appeal Decision Ref: APP/P3040/A/14/2219445

³ Council Application Ref: 15/02662/FUL