
Appeal Decision

Site visit made on 8 January 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2018

Appeal Ref: APP/Q3060/D/17/3181520
46 Kingswood Road, Nottingham NG8 1LD

- 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 M Safeer against the decision of City of Nottingham Council.
 - The application Ref 17/00854/PFUL3, dated 5 October 2016, was refused by notice dated 12 June 2017.
 - The development proposed is a single storey detached play/store room.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, the proposed building had already been erected. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of neighbouring residential properties, with particular regard to outlook and light.

Reasons

4. The appeal building is located at the end of the rear garden of No.46 Kingswood Road and abuts the rear boundary with neighbouring properties, Nos.69 and 71 Hollinwell Avenue. The building extends the full width of the garden.
5. The ridge of the building measures approximately 4m in height and the eaves 2.4m. As a result, the building rises significantly above the boundary fence with the Nos.69 and 71 Hollinwell Avenue. These neighbouring properties have garages in their rear garden and as a result the main outlook is that of the rear boundary. Consequently, the appeal building significantly dominates the outlook from the rear gardens of these properties, to the detriment of the occupants of Nos.69 and 71.
6. I have had regard to the appellant's assertion that the average increase in height across the gable end, when considering the pitch roof, is only 1.2m higher than the boundary fence. Nevertheless, the visible part of the building that rises above the fence, to a height of 2m at its highest point, represents a significant bulk that would adversely harm the outlook from the neighbouring gardens.

7. With regard to loss of light, the building lies to the west of the neighbouring gardens of Nos.69 and 71 Hollinwell Avenue and therefore it would reduce daylight entering the garden during the evenings. However, due to the single-storey height of the building I do not consider that this loss would be to such an extent that it would materially harm the usability of the garden area and therefore would not significantly harm the living conditions of their occupants.
8. I note the appellant's argument that a 4.3m high granny annexe has recently been approved at 34 Oakdale Road. However, the details of this approved scheme and the relationship with neighbouring properties are not before me. Therefore, I cannot be certain that there are any direct similarities with the appeal proposal.
9. I find therefore that the proposal significantly harms the living conditions of the occupants of the neighbouring dwellings by way of unacceptably diminishing the outlook from their rear gardens. As such, it is contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014, which seeks to protect the amenity of nearby neighbours.

Conclusion

10. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR