



Appeal Decision

Site visit made on 16 May 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/J3015/W/19/3223935

43 Victoria Street, Kimberley, Nottingham, NG16 2NH

- 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 Tunstall against the decision of Broxtowe Borough Council.
 - The application Ref 18/00417/FUL, dated 4 June 2018, was refused by notice dated 25 October 2018.
 - The development proposed is an extension to front and change of use from office to dwelling and workshop into domestic garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the development from the decision notice as this more succinctly describes the proposed development.

Main Issue

3. Whether the proposed development would provide a sufficient standard of amenity for future occupiers with specific regard to outdoor private amenity space.

Reasons

4. The appeal site is currently occupied by a single storey building that has been used as an office, set back from the road frontage, with a workshop and storage area that wraps around the rear of nos. 45 and 47 Victoria Street. The appellant used the site as a workshop and office up until 2016 but the Council confirm that the authorised use is A1 retail.
5. The character of the area is residential with two storey terraced properties being the dominant house type fronting Kimberley Street. A cricket field adjoins the rear boundary of the site with high netting adjoins this boundary. The proposed development would involve a number of external changes to the office building. These include an extension to the front, the insertion of a new window on the side wall adjoining no.41, setting the rear wall in by approximately 1m from the rear boundary and the insertion of two windows in the rear wall to serve the bedrooms.

6. The proposal would provide 2-bed accommodation with an open plan lounge and kitchen area. There would be space in front of the property for parking and limited amenity use with a small private amenity space to the rear, adjoining the cricket field. This would provide a limited area of private amenity space that would only be accessed through bedroom 1. This space would be sandwiched between the rear wall of the property and a 0.9m boundary fence with high boundary netting abutting it on the cricket field side. Privacy for users of the space would be limited, especially when the cricket field was being used.
7. The appellant considers that some 18.95 m² of amenity space would be provided of which some 8.45 m² would be to the rear of the property and that this. Reference is then made to compliance with the *Addendum to Planning Policy Statement 7 Residential Extensions and Alterations (2008)* and *Creating Places achieving quality in residential developments (2000)*. Unfortunately, both these documents are dated and relate to planning in Northern Ireland and are therefore not relevant in the consideration of this appeal. I therefore give them no weight in my considerations.
8. Given the limited space to the rear, its configuration and the potential for overlooking from the cricket field, I consider that it would not provide a satisfactory level of private amenity space for future occupiers of the premises. Whilst the height of the boundary fence could be increased, this would be likely to have an adverse impact on the outlook and loss of light to the bedroom windows thus affecting the living conditions of future occupiers.
9. Furthermore, given the distance from the proposed bedroom windows to the rear boundary, I consider that there would also be potential for unacceptable overlooking from the cricket field that would adversely affect the living conditions of future occupiers.
10. Taking all the above into account I consider the private amenity space to be of a scale that would fail to meet the needs of future occupiers compounded by an identified lack of privacy. These factors would indicate that the proposal would represent a cramped form of development.
11. The proposal would be contrary to saved policy H4 of the Broxtowe Local Plan (2004) that supports the subdivision or adaption of existing buildings provided that residents would have an acceptable standard of amenity, and Draft Part 2 Local Plan (2017) Policy 17 that sets out the best practice guidance and standards for design, sustainability and place making.
12. The Draft Plan has been through its examination and the Inspector's report is awaited. In a Post Hearing Advice Note on the 15 March 2019 the Inspector did not request any modifications to Policy 17 so I afford it moderate weight in my consideration of this appeal.

Other matters

13. The appellant says that the scheme was amended during consideration of the application by the Council to overcome concerns regarding the lack of private amenity space. Whilst this is noted, the changes did not overcome the Council's concerns which I share.
14. The appellant also comments that a third party interested in acquiring the site has indicated that they have *connections* with the Planning department and

could get their proposal through. This is not a matter concerned with the planning merits or impacts of the development and cannot relate to my assessment. My conclusions are therefore unaffected.

Conclusion

15. For the reasons given above, the appeal is dismissed.

David Storrie

INSPECTOR