



Appeal Decision

Site visit made on 15 July 2019 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/J3015/W/19/3226663

25 Burrows Avenue, Beeston, NG9 2QW

- 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 Lok Wong against the decision of Broxtowe Borough Council.
 - The application Ref 18/00744/FUL, dated 5 November 2018, was refused by notice dated 20 December 2018.
 - The development proposed is described as "erection of 1x1 bed detached bungalow, cycle store and refuse storage with new boundary treatment".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupiers of property no 25 Burrows Avenue, with particular regard to privacy and outlook, and on the living conditions of the future occupiers of the proposed bungalow, with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

4. 25 Burrows Avenue is an end of terrace, two storey dwelling located on a corner plot, at the junction of Burrows Avenue and Boundary Crescent, in a predominantly residential area. The property has a small garden to the front and a larger garden to the side and rear. The rear garden of the site is similar in length to that of the other terraced properties within that row, but wider. This pattern of terraced properties and their gardens is mirrored on the opposite side of Boundary Crescent along Burrows Avenue. The open space
-

- created between dwellings by the overall size of the gardens is a feature that makes a significant contribution to the character and appearance of the area.
5. The main access for the row of terraces of which the appeal property is part, is from Burrows Avenue. There is also a right of access from Boundary Crescent that goes through the rear garden of the appeal site and leads to the rear of no 27 Burrows Avenue. The proposed bungalow would be located to the rear of no 25 Burrows Avenue plot, to the north of the right of access, and would face Boundary Crescent. It would have a new boundary treatment, a small front garden which would accommodate a bin store and a cycle store, and a slightly larger garden to the side.
 6. The size of the plot and the scale of the 1-bedroom bungalow would contrast with those of neighbouring properties, which are mostly two-storey semi-detached and terraced properties that have a significant amount of outdoor amenity space. The introduction of a bungalow to the rear of no 25 Burrows Avenue would disrupt the existing pattern of development and the bungalow itself would appear as an incongruous, cramped addition which would harmfully affect the character and appearance of the area.
 7. Whilst I acknowledge that the bungalow is not intended to provide family accommodation but would be a 1 person unit, space around a building is important not only in providing an amenity area for residents but also in terms of the character and appearance of the area. Although the rear gardens located within proximity of the appeal site vary in terms of width and length, they are proportionate to the scale of their host properties and contribute to the established pattern of development. In contrast the proposed bungalow would be sited at the rear of its plot with little space behind it.
 8. The bungalow has been designed to match the hipped roof style of the neighbouring properties and their red brickwork, and it would be positioned in alignment with the semi-detached properties located to the north of the site. However, whilst these elements reflect some of the characteristics of the area, they are not sufficient to mitigate the harm that I have identified.
 9. Accordingly, I conclude that the proposal would adversely affect the established pattern of development, thus resulting in significant harm to the character and appearance of the area. Therefore, the development would be contrary to Policy H7 of the Broxtowe Local Plan 2004, Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Draft Part 2 Local Plan 2018, which require, amongst other things, that developments reinforce local characteristics, integrate into their surroundings, and make a positive contribution to the public realm and sense of place.

Living conditions

10. The proposal would result in the division of the rear garden of no 25 Burrows Avenue to provide a separate plot for the bungalow. The right of access would be maintained, and it would be within the boundaries of the bungalow. The size of the new plot would be significantly smaller than that of neighbouring properties and the garden area of the bungalow would also be limited. The outdoor amenity space of the bungalow would be further restricted by the right of access.

11. The external area of the development would provide very little privacy to the future occupiers of the bungalow. Given the limited distance between the rear elevation of no 25 Burrows Avenue and the external area of the bungalow, the occupiers of no 25 would have clear views into the bungalow's garden. It is likely that as a result of this, the external area serving the new bungalow would not be pleasant to use because of the lack of privacy. Acceptable living conditions to the future occupiers of the proposed bungalow would not be achieved as a result.
12. The appellant's suggestion of planting trees along the boundary shared of no 25 to increase privacy is noted. Whilst some form of a boundary treatment could be secured by a planning condition to provide screening at the ground floor level, I am unconvinced it would be effective at providing screening from first floor windows. Moreover, any tree planting would take time to become established and would not be a permanent feature.
13. Although the bungalow would be located at a slightly higher level than the rear elevation of no 25, it would be single storey and would not have any openings in the side elevation that faces no 25. In addition, a boundary treatment could be secured through a planning condition to protect the garden privacy of no 25. Thus, the privacy of the occupiers of no 25 would not be adversely affected. Notwithstanding this, the introduction of a bungalow within such proximity of the rear elevation of no 25 would be detrimental to the outlook of the occupiers of no 25.
14. There is no dispute between the main parties that the development would not affect the living conditions of the occupiers of neighbouring properties in terms of loss of light. The Council also agrees that the development would not be detrimental to highways safety. From what I have seen and read I have no reason to disagree. However, this is a neutral matter rather than one that carries weight in favour of the scheme.
15. In the light of the above, I conclude that the appeal development would adversely affect the living conditions of the occupiers of no 25 Burrows Avenue in terms of outlook, and the living conditions of the future occupiers of the proposed bungalow with regard to privacy. Consequently, the development would be contrary to Policy H7 of the Broxtowe Local Plan 2004, Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Draft Part 2 Local Plan 2018, which require, amongst other things, that developments safeguard residential amenity for the intended occupiers and the neighbouring occupiers.

Other matters

16. I acknowledge that the development would contribute to the supply of housing within the Borough and given the proposed layout the bungalow would potentially provide housing for elderly or disabled people. However, the proposal fails to accord with the relevant policies thus affecting the character and appearance of the area and the living conditions of future occupiers of the bungalow and those of property no 25 Burrows Avenue. Consequently, any benefits in this respect do not outweigh the harm I have identified.
17. The appellant refers to the internal floor space standards outlined within the London Plan. The Council did not express any concerns regarding the size of

the internal area. Thus, the reference to these standards is not directly relevant to this appeal.

18. Regarding the appellant's comment about the fact that no objections were received during the consultation period, irrespective of whether an objection has been raised, I have to consider the proposal on its merits. I note in this case that third parties have in fact expressed concerns about the proposal.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR