The Planning Inspectorate

Appeal Decision

Site visit made on 9 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2019

Appeal Ref: APP/P3040/D/19/3232006
36 Boundary Road, West Bridgford NG2 7BZ

- 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 & Mrs Harbottle against the decision of Rushcliffe Borough Council.
- The application Ref 19/00142/FUL, dated 18 January 2019, was refused by notice dated 10 April 2019.
- The development proposed was originally described as provision of first floor extension, remodel part internal of existing property, change of window colour to grey all round and render to parts of property not already rendered.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice and the appellant's appeal form describes the proposal as 'First floor extension, balcony to rear, conservatory, internal alterations, replacement grey windows and render brickwork (resubmission)'. I consider this to be a more accurate description of the proposal and I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on:

    - the character and appearance of the area; and
    - the living conditions of the occupiers of No 34 Boundary Road with particular regard to outlook and light.

Reasons

Character and appearance

4. The dwelling at No 36 Boundary Road is a detached bungalow with hipped side roof elements. The dwelling has been previously extended to provide first floor accommodation including a gabled dormer to the front elevation. The area is residential in character consisting of mainly detached single storey and two-storey dwellings. When viewed from Boundary Road, the appeal dwelling is sited between the bungalows at Nos 34 and 38 Boundary Road which have similar hipped roof form and low eaves heights to the side elevations.

5. The first-floor rear extension would raise the eaves of the dwelling to the side elevations. The ridge of the first-floor extension would be the same height as the existing main ridge. Consequently, the extended roof form would project past the existing side roof slopes introducing shoulder roof elements that would be visible when facing the dwelling from Boundary Road. Even accounting for the position of the first-floor extension, set back from the front elevation of the dwelling, these additional roof elements would over complicate the roof form and would not appear as a subordinate addition. The proposed roof form would not complement the hipped roof characteristics shared between the host dwelling and the immediate neighbouring dwellings on Boundary Road and would appear incongruous within the street scene.

6. The appellant contends that dwellings in the area are varied in size, mass, materials and proximity to the road with no predominant vernacular style and that many have extensions. Even so, regard must be given to the immediate context of the proposal in terms of the design, scale and character of the host dwelling and its immediate neighbours in determining whether the proposal complements the character and appearance of the area.

7. My attention has been drawn to page 33 of the Rushcliffe Residential Design Guide (2009) which relates to 'Design and Innovation'. Whilst I acknowledge this guidance allows for flexibility in the design approach, it sets out that innovative approaches will be encouraged where these show respect for and an understanding of context and will positively contribute to the character and identity of an area. It this instance the design approach would appear at odds with the character of the host dwelling and neighbouring dwellings and would have a detrimental impact on the character and appearance of the area.

8. I note the suggestion that an alternative scheme which maintained the eaves at the same level introduced a further differing pitch to the rear elevation and jarred with the appearance of the rear of the dwelling. I do not have full details of the alternative scheme before me, however, this does not justify the current scheme given the issues identified above.

9. For the foregoing reasons, the massing, scale and proportions of the development would have a harmful effect on the character and appearance of the area. Consequently, in that regard, it would be contrary to Policy 10 (Design and Enhancing local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS).

10. In reaching this conclusion I have also given regard to non-development plan policies GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (NSRLP) and Policy 1 (Development Requirements) of the emerging Rushcliffe Local Plan Part 2: Land and Planning Policies (emerging LP).

11. The proposal would be contrary to Paragraph 130 of the National Planning Policy Framework (the Framework) which amongst other things states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions for the occupiers of No 34 Boundary Road

12. The neighbouring dwelling at No 34 is situated at lower level to the appeal dwelling. The appeal dwelling projects past the nearest part of the rear

elevation serving No 34. Clear glazed French doors serving lounge areas exist both to this rear elevation, as well as to the elevation of the rear projection at No 34 that faces the boundary with the appeal site. These windows and the patio area serving No 34 all sit in close proximity to the boundary with the appeal site.

13. The development would increase the eaves height to the side elevations of No 36. The ridge over the section of the dwelling that sits parallel to the boundary with No 34 would be increased to match the main ridge. There would also be an alteration from a hip to gabled roof to the rear elevation which would further extend the ridge line when looking towards the appeal dwelling from No 34. Given the change in levels between the sites and the depth and position of the side elevation of the host dwelling relative to No 34, the increased bulk, height and mass of the dwelling resulting from the development would having an imposing and dominating presence when experienced from the rooms served by the ground floor French doors and from the patio area serving No 34. As a result, the development would be overbearing and would have a detrimental impact on outlook for the occupiers of No 34.

14. The Council's decision also cites that the development would have an overshadowing impact on No 34. The orientation, proximity and relative levels between the appeal dwelling and this neighbouring property means there is already some impact on the levels of light experienced by the occupiers of No 34. However, I have no substantive evidence before me to demonstrate that levels of light would be materially impacted on beyond the existing situation. In this particular respect, I have therefore not identified conflict with Policy 10 of the CS, Policy GP2 of the NSRLP or Policy 1 of the emerging LP.

15. Nonetheless, for the reasons outlined earlier in this section, the proposal would not retain a suitable level of outlook for occupiers of No 34 and would have a harmful impact on the living conditions of occupiers of this neighbouring dwelling. For this reason, the proposal would conflict with Policy 10 of the CS as well as to non-development plan policies GP2 (Design and Amenity Criteria) of the NSRLP and Policy 1 (Development Requirements) of the emerging LP and to Paragraph 127 of the Framework.

Other Matters

16. Examples of other properties have been referred to in the appellant's submission. The two-storey rear extension at No 34 utilises the change in levels on site and does not have a comparable impact on the roof form of that dwelling when viewed from the street. Furthermore, the photographs provided indicate the relationship of No 34 with windows and the rear garden serving No 32 is not the same as that of the appeal proposal and the windows and patio area serving No 34.

17. From the limited details before me of the other examples provided, I am not aware of the full site-specific considerations that were taken into account in each instance. In any event, from what I have seen, they do not share identical characteristics to the case before me. I am therefore not persuaded that the examples provided act as justification for the design approach on the scheme before me.

18. I note the concerns raised by the appellant in respect of consistency of decision making and advice received from the Council. However, these are not matters for me to consider as part of an appeal under Section 78 of the Act.

Conclusion

19. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR