



Appeal Decision

Site visit made on 30 September 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/P3040/D/19/3234582

Chy An Bre, 9 Woodland Close, Radcliffe on Trent, NG12 2HZ

- 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 Daniel Crossland against the decision of Rushcliffe Borough Council.
 - The application Ref 19/00872/FUL, dated 14 March 2019, was refused by notice dated 29 May 2019.
 - The development proposed is a first floor extension on the existing bungalow.
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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.

Preliminary Matter

3. The emerging Rushcliffe Local Plan Part 2: Land and Planning Policies, referred to in the Council's decision notice, has not been adopted and therefore the policies within this document are afforded limited weight. However, it is noted that the aims of Policy 1 of the emerging Local Plan align with the aims of Policy 10 of the adopted Rushcliffe Local Plan Part 1: Core Strategy (2014), Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) against which the appeal is determined.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, and the effect of the development on the living conditions of occupiers of no.7 Woodland Close with particular regard to overbearing and overshadowing.

Reasons for the Recommendation

Character and appearance

5. The street has a mix of bungalows and two-storey detached properties, which are arranged in distinct groups. The two-storey dwellings are sited on one side of the part of the street, with bungalows on the remainder. The bungalows
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generally have a cohesive appearance and rhythm which makes a significant contribution to the character of the area.

6. The street slopes upwards towards to the north, with the ridgelines of the bungalows largely following this pattern. The proposal would see the bungalow, in effect, extended upwards to create a first floor. Whilst the eaves would be only slightly higher than the eaves of the adjacent property No 11, which is set at a higher land level, the ridge would be considerably higher. As such, the proposal would not respect the slope of the street or the step-down in ridge heights between adjacent properties. Consequently, the extension would disrupt the rhythm created by the buildings and would be a discordant element in the street scene. As such it would detract from the character and appearance of the area.
7. The appellant has drawn my attention to instances along the street where properties have been extended in a similar manner to that proposed in this appeal. However, at No.8 Woodland Close the ridgeline is no higher than the adjacent property at No.10 which is at a higher land level, and the extended dwelling therefore follows the pattern of development. No.15 has also been extended upwards to create a first floor. However, this property is at the end of the street with no properties next to it at a higher level, and therefore the higher ridge respects the change in land level. I acknowledge that No.5 has a ridge that is higher than the adjacent neighbour at No.7 which is at a higher level. However, I do not know the context or circumstances which led to the extension's approval and, moreover, the building appears as an anomaly in the street scene that does not reflect the prevailing character. Accordingly, the presence of these extensions, do not justify the appeal proposal.
8. For the reasons set out above, the proposal would have a detrimental impact on the character and appearance of the area and as such the proposal would conflict with Policy 10 of the of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006), Policy 15 of the Radcliffe on Trent Neighbourhood Development Plan (2017) and Policy 1 of the emerging Rushcliffe Local Plan Part 2: Land and Planning Policies. These policies all seek to ensure that development is sympathetic to the character and appearance of the area.

Living conditions of the occupiers of No.7

9. The front door to No.7 is in the side elevation that faces the appeal property, and there is also a side extension with a front-facing window that is well set back from the front elevation. The appeal property lies to the south of it and already blocks sunlight to the front door and to the front-facing window in the side extension. Because of this, the proposed extension would not cause a significant reduction in the light received by the front door and the side extension.
10. The proposed upwards extension would not increase the footprint of the appeal property and therefore there would be no additional rear projection. Given the distance between the rear windows in the original rear elevation of No.7 and the presence of the side extension I conclude that the proposed extension would not have a significant impact on light to the rear windows of the property.

11. However, the appeal site is at a higher land level than No.7, and the proposal would see the ridge height increased by approximately 2.3m and the height of the eaves increased by approximately 1.1m, which would considerably increase the massing of the appeal property. Whilst I note that the extension has been designed with a half-hipped roof to the rear which would lessen its bulk, the proposal would appear as a dominant structure, particularly when viewed from the garden of the neighbouring house. Consequently, it would have an overbearing impact that would detract from the enjoyment and thereby the living conditions of the neighbouring occupiers.
12. In addition, as the appeal site is located to the south of No.7, the increase in ridge height would result in substantial overshadowing to the rear garden of No.7. Given the limited size of that garden, such an increase in overshadowing would cause significant harm to the living conditions of the occupiers.
13. Consequently, the proposal would cause significant harm to the living conditions of the occupiers of No.7 Woodland Close, and therefore the proposal does not accord with Policy GP2 of Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and Policy 1 of the emerging Rushcliffe Local Plan Part 2: Land and Planning Policies. These policies require development to not cause any significant adverse effect on the living conditions of the occupiers of adjacent properties.

Conclusion

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

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. 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