
Appeal Decision

Site visit made on 20 January 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2020

Appeal Ref: APP/N1025/D/19/3240745

46 The Ridings, Ockbrook DE72 3SF

- 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 and Mrs Collumbell against the decision of Erewash Borough Council.
 - The application Ref ERE/0719/0024, dated 27 June 2019, was refused by notice dated 27 September 2019.
 - The development proposed is described as "extensions to bungalow to create a four bedroom house, removal of garage".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of No 44 and No 48 The Ridings with particular regard to outlook, light and privacy.

Reasons

3. The appeal property is a detached bungalow with a similar dwelling to one side (No 48) and a house to the other (No 44). There is limited space between the appeal property and these dwellings, and both the adjacent properties have habitable room windows on the rear elevation close to the common boundary with No 46.
4. It is proposed to alter and extend the appeal property in a number of ways to create a 2 storey dwelling. This includes a rear extension that would extend the full width of the resulting property which for the majority of its width would be 2 storey in height. This is the only element of the proposed works with which the Council has raised concerns. Nothing I have seen or read leads me to a different conclusion.
5. This rear extension would extend a significant distance beyond the main rear elevations of both neighbouring properties. Although the two storey element would be set further in from the common boundaries than the ground floor element, it would still be clearly visible from the rear windows and from the garden areas of both Nos 44 and 48, and the Council have indicated that it would be within the 45 degree field of view from the nearest windows on these properties.

6. Although the roof pitch would slope away from the adjacent dwellings, given the scale and mass of the rear extension, and its location close to the boundary, it would still have an overbearing impact on the occupiers of the adjacent dwellings. In addition, irrespective of the open aspect at the end of the gardens, it would create an unneighbourly sense of enclosure to the garden area closest to their houses.
7. In addition, given the orientation of No 46 in relation to No 48, the depth and the mass of the proposed extension would result in a significant loss of sunlight to both the lounge window of No 48 and the seating area adjacent to the house that are close to the boundary. I accept that the detached garage at No 46 which is being demolished, and the boundary fencing have some impact in this regard, but the height and mass of the extension would be considerably greater than either of these features.
8. At present, as No 48 has bungalows on both sides, its rear garden has very little overlooking. The plans show that at first floor level the proposed extension would have large bi-folding doors and a Juliette balcony. There would also be a bedroom window on the side elevation closest to No 48. Both these would result in a significant loss of privacy to the rear garden of No 48.
9. Consequently, I consider that the proposed development would unacceptably harm the living conditions of the occupiers of Nos 44 and 48 The Ridings with particular regard to outlook, light and privacy. Accordingly, it would be contrary to Policy 10 of the Erewash Core Strategy (adopted March 2014) and Policy DC2 of the Saved Policies Document (July 2008) which seek to ensure that developments do not harm the amenities of nearby residents.
10. The appellant has suggested that due to the age of the Local Plan the proposal should be determined in the light of paragraph 11 (d) ii of the *National Planning Policy Framework* (the Framework). However, paragraph 213 of the Framework indicates that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework and that due consideration should be given to them according to their degree of consistency with the Framework. In this case the policies are consistent with paragraph 127(f) of the Framework which requires that developments ensure a high standard of amenity for existing and future users. As such, they should not be considered out-of-date.
11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR