
Appeal Decision

Site visit made on 4 February 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Wednesday, 19 February 2020

Appeal Ref: APP/J3015/D/19/3241562

48 Marlborough Road, Beeston, Nottinghamshire, NG9 2HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Andrea Wilkins against the decision of Broxtowe Borough Council.
 - The application Ref 19/00449/PNH, dated 8 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is single storey rear extension under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the Council has used a different description of development on its decision notice to that which is used on the planning application form. I consider that from either description it is clear what is being proposed. Therefore, I have used the description given on the planning application form.

Main Issue

3. The effect on the living conditions of the occupiers of No 46 Marlborough Road

Reasons

4. The proposal is for prior approval of an extension to No 48 Marlborough Road beyond the limits for permitted development under paragraph A.1 (f), but within those to which the prior approval process under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015, (as amended) (GPDO) (paragraph A.1(g)). The proposed extension will extend 6m from the dwelling.
5. I am required to make this decision having regard to the impact of the proposal on the amenity of any adjoining premises.
6. The proposal would result in a wall 2.3m high and 6m long with a pitched roof, being constructed on the boundary of the property with No 46 Marlborough Road. The wall would impact upon glazed French doors which are the only

windows to the dining room at No 46. On the side of No 46, furthest from No 48, is a small projection. This projection, together with the proposed extension, would have the effect of severely constricting the outlook from the dining room to the detriment of the living conditions of the occupiers of No 46. I therefore find that to grant approval for this development would unacceptably impact on the living conditions of the occupiers of No 46 by reason of its size, location, massing and height, resulting in loss of outlook to the dining room.

7. I have had regard to the appellant's argument concerning the extent of development achievable using permitted development rights, that of a 3m extension and a 2m high fence. However, I consider the provision of a 2.3m high wall for 6m along the boundary with the neighbouring property, together with a pitched roof, to have a significantly greater impact on the outlook of No 46 than that allowed through the exercise of permitted development rights under paragraph A.1(f).
8. I therefore dismiss the appeal due to its unacceptable effect on the amenity and living conditions of the occupiers of No 46 Marlborough Road.

Peter Mark Sturgess

INSPECTOR