



Appeal Decision

Site visit made on 20 January 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal Ref: APP/Q3060/W/19/3229090

2 Cragdale Road, Nottingham NG5 3HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Mistry against the decision of Nottingham City Council.
 - The application Ref 18/02381/PFUL3 (PP-07421837), dated 13 November 2018, was approved on 4 April 2019 and planning permission was granted subject to conditions.
 - The development permitted is a single storey flat roof rear extension with terrace and balcony.
 - The condition in dispute is No 3 (identified as S1 on the decision notice) which states that: *'Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents: Drawing reference 339.W01 revision A dated 19 February 2019, received 4 March 2019.'*
 - The reason given for the condition is: *'To determine the scope of this permission.'*
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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 Matters

3. The description of development above has been taken from the appeal form. The original description outlined within the application form has been amended to include all elements of the proposal. I shall consider the appeal on this basis.
 4. During the course of the application process, the design of the rear extension was amended to remove an external staircase. The application was determined by the Council on the basis of the amended plans. However, from all I have seen and read, the appellant now seeks to further amend the proposal, to include an external staircase and to widen the first-floor balcony area. Accordingly, although not specified in the appeal documentation, the appeal seeks to remove the plans condition and replace it with a condition specifying the plans that reflect the amended design.
 5. The Council has not provided an appeal statement to outline the main issues regarding the revised design. Therefore, I have considered the main issues based on my site observations and the evidence before me.
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Main Issues

6. The main issues are the effect of the development on:

- the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking; and
- the character and appearance of the host property.

Reasons for the Recommendation

Living conditions

7. 2 Cragdale Road is a detached, two storey dwelling located within a predominantly residential area. The property has a garden to the rear, which slopes away from the dwelling. At the time of my visit, part of the approved development was in place. The dwelling has a single storey flat roofed extension to the rear, which projects along the full width of the house. The extension sits higher than the garden level and there are external steps that provide access from the ground floor level to the rear garden. A wooden balustrade defines the boundary of the first-floor balcony, which is set-in from the side boundaries of the site. A first-floor door provides access to the balcony.
8. The revised proposal would introduce an external staircase with balustrade to the side/rear of dwelling. The additional steps would facilitate direct access from the garden to the first-floor balcony, the boundaries of which would be extended to either side so that the balcony would project along the whole of the flat roofed extension.
9. The appeal dwelling is located within close proximity to the side boundaries shared with neighbouring properties Nos 6 Cragdale Road and 134 Ribblesdale Road. The introduction of an external staircase next to the side boundary and the siting of the first-floor balcony within such proximity to the shared boundaries with neighbouring dwellings, would significantly increase the levels of overlooking over the neighbouring residents' gardens. I note that there are hedges and trees that provide partial screening. However, this vegetation is not a permanent feature and in any event is not sufficient to make the levels of overlooking acceptable. Consequently, the development would have a harmful impact on the living conditions of the occupiers of neighbouring properties.
10. Accordingly, I conclude that the amendments proposed would result in significant harm to the living conditions of the occupiers of neighbouring properties, with regard to overlooking. Therefore, the development would be contrary to Policy 10 of the Aligned Core Strategies, which seeks to ensure that new development does not have a detrimental impact on the amenity of nearby residents or occupiers.

Character and appearance

11. There are no details for the materials proposed for the external staircase. However, giving its height and scale, it would be a substantial structure which would add significant mass to the side/rear of dwelling. Its bulkiness would affect the proportions of the extended dwelling to such an extent that would be detrimental to the character and appearance of the host dwelling. Accordingly,

the development would be contrary to Policy 10 of the Aligned Core Strategies, which seeks to ensure that new development does not have a detrimental impact on the character and appearance of existing buildings.

Recommendation

12. 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

13. 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