
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: Tuesday, 10 March 2020

Appeal Ref: APP/J3015/D/19/3241559

46 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 Andre Wilkins against the decision of Broxtowe Borough Council.
 - The application Ref 19/00448/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 48 Marlborough Road

Reasons

4. The proposal is for prior approval of an extension to No 46 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) A.1 (g) applies, where the proposal is for a 6m extension.
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 48 Marlborough Road. The wall would impact upon glazed French doors which are the only windows to the dining room at No 48. On the side of No 48, furthest from No

46, 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 48. I therefore find that to grant approval for this development would unacceptably impact on the living conditions of the occupiers of No 48 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, which would allow an extension up to 3m. 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 48 than that allowed through the exercise of permitted development rights, that do not require prior approval.
8. I note that the appellant has referred in his statement to two appeal decisions. Whilst I have had regard to these decisions in considering the appeal before me, I find that there are differences between the decisions cited and this appeal. For instance, APP/G5180/D/13/2203184 concerns a semi-detached house on a large corner plot, where the proposed extension is set off the boundary. In this instance the loss of outlook experienced by the neighbouring property, should the extension be constructed, appears to be significantly less than the proposal before me. In APP/G5180/D/14/2213256 the extension proposed is 4m long and much of the discussions entered into by the Inspector appears to be about the difference in levels between the appeal site and the neighbouring properties. The extension proposed in this appeal is 6m long and there are no issues related to levels on the site.
9. I therefore dismiss the appeal due to its unacceptable effect on the amenity and living conditions of the occupiers of No 48 Marlborough Road.

Peter Mark Sturgess

INSPECTOR