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# Appeal Decision

Site visit made on 9 January 2020

**by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 April 2020**

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**Appeal Ref: APP/Q3060/W/19/3240734**

**31 Albert Road, Nottingham NG7 2EX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Sandeep Krishan against the decision of Nottingham City Council.
  - The application Ref 19/01593/PAHPD, dated 10 July 2019, was refused by notice dated 16 August 2019.
  - The development proposed is a single storey flat roof rear extension (6m depth) to the existing terraced property at 31 Albert Road, Nottingham NG7 2EX, as shown in submitted drawings ref. 779 002E 'Proposed Floor Plans and Elevations – Single Storey Rear Proposal RevE'.
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## Decision

1. I dismiss this appeal.

## Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

## Reasons

3. The appeal property is a traditional 2-storey Victorian terraced dwelling located in Albert Road west of Nottingham city centre. It has a Certificate of Lawfulness for use as a Class C4 HMO.
4. Access to the rear garden of the appeal property and the neighbouring property (No 29 Albert Road) can be taken through an enclosed passageway located between the two. At the back of the appeal property, adjacent to the other neighbouring property, is a single storey outrigger projecting about 5 metres from the rear elevation.
5. No 29 also has a rear outrigger which faces the appeal property's outrigger across a brick wall of around 1 metre in height. This brick wall demarcates the boundary between the 2 properties and runs along a centre line from just beyond the end of the enclosed passageway to the back of the 2 neighbouring

gardens. There are tall shrubs planted along the boundary which will affect the level of available sunlight for both properties. Part of the outrigger at No 29 is used as a kitchen. The living room at the rear of No 29 has a window overlooking its back garden.

6. The appeal proposal comprises demolition of the existing outrigger and construction of a single storey, flat roofed extension. According to the appellant, the extension would measure just over 4 metres in width, which would be the full width of the ground floor of the appeal property. According to the appellant it would be 6 metres in length, less than 3 metres in height to the eaves and 3 metres in height to the ridge.
7. The flank elevation would run flush with the sidewall of the enclosed passageway and so would be set-in slightly from the existing boundary wall. It would be constructed of red brick to match the house. A grey, aluminium framed double glazed bi-fold door would provide access from the extension to the rear garden and additional light to the new space would be provided by a roof lantern.
8. The proposal would provide communal accommodation and a higher level of comfort for future occupants. It would not add any bedroom spaces. It appears that it would take up less than half of the area of ground to the rear of the appeal property.
9. The ridge of the proposed extension would be lower than the existing outrigger although, because of its size and separation, I do not consider that the outrigger significantly affects the living conditions of the occupants of No 29. The proposed ridge would also be lower than that which would be allowed under the General Permitted Development Order although, it should be noted, the effect of the Prior Approval regime is to place a qualification on such rights.
10. The proposal involves demolition of the brick boundary wall extending from just beyond the passageway to about half-way down the back garden. Although it would be set in from the boundary the flank of the new extension would be very close to No 29. This would present a considerable, overbearing and oppressive expanse of bear wall where there is currently a brick boundary wall of around 1 metre in height and some shrubs allowing some view from the rear of No 29 towards the end of the adjoining rear gardens. There would, therefore, be a significant loss of outlook for occupants of No 29.
11. During the late afternoons and early evenings in the spring and summer months there would, by virtue of its orientation, also be a substantial loss of sunlight experienced in the kitchen and the living room at No 29. I consider that this loss would be considerably in excess of the loss produced by the existing shrubs which, in any event, could be pruned. It would also be considerably in excess of the loss caused by the existing outrigger at No 31.
12. For this reason, I conclude that the proposed extension would fail to provide acceptable living conditions for the occupants of No 29 Albert Road and would be harmful to amenity. I find therefore that it would conflict with the advice, set out in paragraph 127 of the National Planning Policy Framework, that new development should provide for high standards of living conditions for existing and future users.

**Conclusion**

13. For the reasons given above, I conclude that the appeal should be dismissed.

*William Walton*

INSPECTOR

