
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: 11th May 2020

Appeal Ref: APP/Q3060/D/19/3240265
544 Wollaton Road, Nottingham NG8 2AA

- 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 Colin Wing against the decision of Nottingham City Council.
 - The application Ref 19/01582/PFUL, dated 16 July 2019, was refused by notice dated 18 September 2019.
 - The development proposed is the retention of the first floor above the existing garage / storage building with alterations to reduce the height of the door and windows in the side elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's Land and Planning Policy Document (Part 1 Local Plan), which was in draft at the time that the planning application was determined, was adopted on 13 January 2020.

Procedural Matter

3. I note that in the application form the appellant describes the proposed development as involving a reduction in the height of the door and the window on the side elevation. In the accompanying plans (which show both what is currently on site and what is proposed) and statement, however, the appellant states that the door and window would be removed. I have determined the appeal on the basis of what is proposed in the plans and the accompanying statement rather than what is stated on the application form.

Main Issues

4. The main issues are:
 - The effect of the scheme on the living conditions of neighbours in regard to outlook and privacy; and
 - The effect of the scheme on the character and appearance of the surrounding area.

Reasons

Living Conditions

5. The building ('the first-floor building') subject to this appeal is located above a brick-built storage building ('the storage building') situated behind a parade of shops arranged in a V-shape at the apex of Wollaton Road and Russell Drive in Nottingham. It is within the grounds of No 544 Wollaton Road (No 544) which is a 3-storey dwelling with a false shop front at ground floor level.
6. The proposal subject to this appeal is the retention of the first-floor building subject to some alterations. These alterations would involve the removal of the door and window from the side elevation facing Wollaton Road, lowering the roof slightly such that it would gently slope in the opposite direction and introducing a hipped element above the boundary with the residential properties at 550 Wollaton Road (No 550) and 9 Russell Drive (No 9).
7. The first-floor building sits close to the middle of the apex looking down the rear gardens of the neighbouring residential properties. Although I did not have access to the neighbouring back gardens during my site visit, I have been provided with photographs taken from the garden of No 9 showing the first-floor building. These show a large flank brick wall that is approximately three times the height of the existing wooden fence. I consider that this structure is overbearing and oppressive, dominating the views from the back gardens of No 550 and No 9.
8. The proposed new roof would result in removal of the top half of the flank brick wall. This would be replaced by the sloping section of a hipped roof. The removal of about half of the flank wall and its replacement by a hipped roof would reduce the loss of outlook for the occupants of No 550 and No 9. However, it would still be considerably higher than the original flat-roofed storage building and would still be an overbearing, oppressive structure overlooking the adjacent rear gardens to the detriment of the living conditions of the occupants.
9. I was also able to see the first-floor building from the inside of No 544. From this vantage point the first-floor building is very close and thus very evident. Again, I consider that it is an oppressive structure that results in loss of outlook. The proposed reduction in the height of the roof would only have a marginal effect on the outlook and does not overcome the harm that I have found.
10. I appreciate that the dwelling at No 544 and the storage building / first floor building are currently in the same ownership. However, I understand that at least one room is being used as a bedsit. I consider that the development would fail to provide for that occupant's privacy and would therefore result in an unacceptable diminution of living conditions.
11. I am not aware if any of the neighbouring first-floor flatted properties were occupied. However, I noted that a flat above the newsagent would be overlooked by the development proposal. I consider that the resultant loss of privacy would be to the detriment of the living conditions of current and future occupants of that flat.
12. The addition of new space would allow ladders and other equipment to be relocated from the roof of the storage building and stored inside. Furthermore,

removal of the door from the side elevation would prevent workers having access to the ledge almost directly above the boundary of the gardens of No 550 and No 9.

13. Similarly, removal of the window from the storage building would also serve to protect the privacy of the occupants of No 550. Thus, in respect of the issue of privacy, the proposed alterations to the first-floor building would enhance the living conditions of the occupants of No 550 and No 9. However, this would not offset the harm I have found in regard to the effect of the proposed structure on the outlook of neighbours and the loss of privacy of the occupants of at least 2 of the flats above the shopping parade.
14. For the reasons set out above the proposed development would cause an unacceptable loss of living conditions to the occupants of neighbouring properties. Consequently, in this regard, it would fail to comply with Policy ACS10 of the Nottingham City Aligned Core Strategy – Local Plan Part 1 2014 (CS) which seeks to protect the living conditions of nearby residents. It would also fail to conform with Policy DE1 of the Council's Land and Planning Policies: Development Plan Document – Local Plan Part 2 2020 (DPD) which seeks to ensure that new development provides a satisfactory level of living conditions for occupants of neighbouring properties.
15. It would also fail to follow paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to ensure that new development respects the living conditions of current and future neighbouring occupants.

Character and Appearance

16. The proposed first-floor building would be a brick-built structure with a mono-pitched roof that gently slopes from the elevation closest to Wollaton Road to the elevation closest to Russell Drive. It would comprise 1 large room occupying more or less the same footprint as the storage building below. Both the storage building and the first-floor building would be used to store materials used in association with a landscaping business operated from No 544.
17. The development proposal would be seen briefly from Wollaton Road as one passes the driveway between the end of the parade of shops and the adjacent residential property. Similarly, it would be seen very briefly from Russell Drive along the narrow alleyway. The development proposal would not be visually conspicuous from either viewpoint but to the extent that it could be seen it would appear, by virtue of its position and height, as an incongruous structure.
18. However, as I have already stated, the existing first-floor building is clearly visible when viewed from the rear garden of No 550 and of No 9. Similarly, it is a dominant structure when viewed from the rear of No 544. Its effect has been to change the character and appearance of the gardenscape by introducing a feature which, by virtue of its siting, bulk and appearance is alien, dominant and incongruent. The changes to the first-floor building proposed by the appellant would not materially change this finding.
19. I saw some materials stored outside during my visit, but I do not consider that they have a significant adverse effect on the appearance of the area. Thus, any benefits secured by their removal would not be sufficient to offset the harm

that would be caused by the proposed first-floor building to the character and appearance of the area which I have identified in this decision.

20. For the above reasons I conclude that the proposed development would harm the character and appearance of the area. It would not comply with Policy ACS10 of the CS which seeks to ensure that new development makes a positive contribution to the public realm. Furthermore, it would conflict with Policy DE1 of the DPD which seeks to ensure that new development respects the streetscape and character of an area. Finally, it would fail to accord to the advice set out in paragraph 127 of the Framework that new development does not harm the character and appearance of the area.

Other Matters

21. The appellant states that, based upon correspondence with the Council in 1984, he believed that construction of the first-floor building was allowed under permitted development rights. This letter was not submitted to this appeal and so I have not been able to read its contents. Consequently, I am unable to consider this matter any further.

Conclusion

22. For the reasons set out above I find that this appeal should be dismissed.

William Walton

INSPECTOR

