The Planning Inspectorate

Appeal Decision

Site visit made on 9 June 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2020

Appeal Ref: APP/Q3060/D/20/3247107
35 St Leonards Drive, Nottingham NG8 2BB

- 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 & Mrs Green against the decision of City of Nottingham Council.
- The application Ref: 19/02765/PFUL3, dated 11 December 2019, was refused by notice dated 23 January 2020.
- The development was originally described as a "proposed two storey side extension and single storey rear extension."

Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension and single storey side and rear extension at 35 St Leonards Drive, Nottingham NG8 2BB in accordance with the terms of the application, Ref: 19/02765/PFUL3, dated 11 December 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plan: 568 002 J Proposed Floor Plans, Elevations, Site Block Plan & OS Plan.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for Costs

2. An application for costs was made by Mr & Mrs Green against the City of Nottingham Council. This application is the subject of a separate Decision.

Procedural Matter

3. The description of development in the banner heading above is taken from the planning application form. The Council's decision notice and the appeal form describe the proposal as a "proposed two storey side and rear extension and single storey side and rear extension". As this description more accurately conveys what the proposal is, I have considered the appeal on this basis and this is reflected in my decision paragraph, excluding the superfluous wording.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 33 St Leonards Drive (No 33) by way of visual impact, outlook and light.

Reasons

5. The appeal property is a detached house, to the side of which is a single storey attached garage. The side wall of the garage abuts the common boundary with No 33. This neighbouring property is set at a moderately lower level than the appeal site.

6. The main flank wall of the house of No 33 is set back and contains a facing large decorative window at a raised level, an arrangement which is common along properties on St Leonards Drive. There are also some smaller windows on the side elevation. Up to the boundary and set towards the rear of the house there is a single storey element which has a rooflight, amongst other openings. It is understood from the submissions this contains a kitchen and dining room.

7. The large window that would face towards the proposal does not relate to a habitable room. That part of the house is for the purposes of movement in order to provide access to the use of other rooms, as the Planning Officer Report (the Report) sets out that it serves the staircase, hallway and landing of that property. The level of protection that can be afforded to such a window is, therefore, considerably less as regards visual impact and outlook than if it concerned a habitable room.

8. Taking this matter into account, the effect from the proposal would not be overbearing. The visual impact and the effect on outlook would be fleeting as the window is passed on the way to other rooms in the house, despite that the proposal would be of a 2 storey size and in closer proximity to the window than the existing appeal property.

9. The Report also raises matters of light. Similarly, though, this needs to be considered in the context that the window does not serve a habitable room, even if its size allows light to pervade into other parts of the house. There is not the evidence before me which suggests that the respective habitable rooms do not have a light source from other windows that are in those rooms.

10. The Report also refers to the proposal extending around to the rear of the appeal property, thereby increasing the massing. The 2 storey rear part would not, though, project out significantly in this direction and much of the proposal to the rear would be single storey. Whilst I am not unsympathetic to the occupiers of No 33 in this regard, it would not cause undue effects to the kitchen and dining room. The angle of the associated rooflight in the roof plane would still allow for both light to penetrate and an outlook.

11. For similar reasons, there would not be unacceptable effects from the proposal on the smaller side elevation windows and the outside areas of No 33, either to the rear or side. In particular, much of the larger rear garden area and patio would be unaffected, and the rear elevation windows and doors on the house would not be impacted because they face over the garden and patio. The smaller outside area to the side of the boundary has a limited amenity function, with its proximity to the house.

12. With what is a fairly modest difference in levels between the 2 properties, this would not alter my views on the effect on living conditions. I have also been referred to the previously approved smaller extensions[1] to the appeal property and the associated negotiations, as well as various other extensions in the area. The proposal falls, though, to be considered on its own merits and it would not have an unacceptable impact on visual impact, outlook and light.

13. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 33 by way of visual impact, outlook and light. Hence, it would comply with both Policy 10 of the Greater Nottingham, Aligned Core Strategies Part 1 Local Plan (2014) and Policy DE1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (2020) which concern the impact on the amenity of nearby residents or occupiers, and whether a satisfactory level of amenity would be provided for the occupiers of neighbouring properties, including outlook, scale/massing, daylight and sunlight, amongst other considerations.

Other Matters

14. The effect on the privacy levels of the occupiers of No 33 would not be unacceptable with the positioning of the proposed openings. The rear doors from what is shown as a study/play room would face over the appeal property's own rear garden. As the property would remain in a domestic use, associated noise and disturbance would be unlikely to be untoward.

15. In relation to character and appearance issues, the proposal would be well set back from the existing front elevation of the house. The space to the front of the existing garage up to the road would be maintained and so the extended house would not appear confined. The hipped form of the proposed roof and the lower roof ridge height than the existing house would also blend the design of the proposal into its surroundings. The side window on No 33, whilst not without merit, is not a prominent feature from the streetscene because it is well set back, as on other houses on St Leonards Drive. Accordingly, that it would be less visible would not cause unacceptable harm. The proposal would also be located well away from the Wollaton Village Conservation Area boundary to the rear of the site, and so it would not adversely affect its setting.

16. The relationship between the appeal property and No 33 would not be untypical where an extension to the side is proposed to take place in relation to drainage and maintenance. Associated access and structural matters are not for my consideration. Consequently, they have a limited bearing on my decision.

Conditions

17. In addition to the timescale for implementation, I have imposed a condition concerning the approved plan for the purposes of certainty. I have also imposed a condition by way of matching external materials to the existing building. This is in order to protect the character and appearance of the area.

[1] Council ref: 19/00125/PFUL3

Conclusion

18. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR