The Planning Inspectorate

Appeal Decision

Site visit made on 1 September 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/P3040/W/20/3252176
49 - 55 Trent Boulevard, West Bridgford NG2 5BB

- 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 B Meaden & P Buckingham against the decision of Rushcliffe Borough Council.
- The application Ref 19/00478/FUL, dated 22 February 2019, was refused by notice dated 22 November 2019.
- The development proposed is the demolition of the existing bungalows to construct 4No. new dwellings at 49 - 55 Trent Boulevard, Lady Bay, Nottingham, NG2 5BB.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect of the proposal on the living conditions of adjacent neighbours, especially the occupiers of 47 Trent Boulevard (No 47), with particular respect to sunlight and daylight, and

   - the effect of the proposed development upon the street scene and the character of the area.

Reasons

Living conditions

3. The appeal site is adjacent to the dwellings of No 47 and 57 Trent Boulevard (No 57). I consider these, of the surrounding dwellings, to be the most likely to be affected by the proposal. No 47 is a detached two storey dwelling with rooms in its roof-space. It is a traditional Victorian brick building which has been extended to the rear with an infill single storey side extension between the main rear wall of the dwelling and its original return. During my visit I observed that this infill had created a room that only has two side windows and rooflights. Moreover, interested parties have confirmed that the habitable room within this infill extension only benefits from natural light from these windows. This room is therefore heavily reliant on access to sunlight and daylight from the east.

4. The proposal would extend beyond the main rear elevation of No 47 and the majority of its rear return. The side of No 47 is mostly east facing and the most affected room therefore gains morning and midday light. The proposal would

be two-storeys and be located around 2 metres from theses windows. Due to the height of the nearest proposed dwelling this relationship would substantially compromise the sunlight levels received by the neighbouring side windows. Furthermore, the proposal would also significantly reduce access to ambient daylight to the affected room. This collective reliance on natural light from the east would be demonstrably reduced through the proximity and scale of the proposed dwelling adjacent to the boundary. As such, the effect of the loss of sunlight and daylight would be substantial.

5. The existing bungalow of 49 Trent Boulevard has a single-storey flat roofed side extension that projects into the rear garden. Therefore, access to sunlight and daylight to the neighbouring side windows are currently affected by the existing dwelling and boundary fence. However, this existing extension has a low profile that has a limited effect on the neighbouring dwelling. Whereas, the proposed development would be substantially taller and significantly overshadow the side elevation of No 47. As a result, the proposed reduction in depth of footprint, in comparison between the existing and proposed development, would not outweigh the harm caused by the impact of the proposal. Therefore, the proposed development would result in a significant adverse effect to the living conditions of occupiers of No 47.

6. Turning to the effect on No 57, I understand from correspondence that the most affected rear windows are those that serve a dining room and kitchen. The kitchen window serves as a second light source to the room and would mostly overlook a single-storey element of the proposal beyond the boundary fence. The outlook from the dining room window would be affected by two-storey and single-storey elements of the proposal. Furthermore, daylight would be partially reduced. However, due to the orientation of the windows and their proximity to the proposal the effect would be limited. Furthermore, the proposed side windows could result in some overlooking towards No 57. However, these could be required to be obscurely glazed had I been minded to allow the appeal. Consequently, the effect of the proposal on the living conditions of No 57 would be negligible. In contrast, the harm identified to the living conditions of occupiers of No 47 would be substantial.

7. Accordingly, the proposal would not accord with policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LP). This policy includes the requirement for development to only be allowed where there are no significant adverse effects on the residential amenity of adjoining properties. The proposal would also fail to satisfy the requirements of the Council's Residential Design Guide (2009) which requires proposed development to maintain adequate daylight and sunlight for existing dwellings. These policies are generally consistent with the National Planning Policy Framework (The Framework) which seeks development to create places that have a high standard of amenity for existing and future users.

Character and appearance

8. The appeal site is within a predominantly residential area of mostly traditional semi-detached dwellings. Many of these feature decorative brick and stone detailing with projecting bays. The block plan illustrates the area has a clearly defined perimeter block pattern with relatively consistent front building lines. Building heights are also generally consistent at two-storey.

9. Many nearby dwellings provide accommodation within the roof-space through rooflights and dormer windows. There are also local examples of second floor windows within the apex of two-storey gable features. These nevertheless maintain the established predominant scale of buildings in the area. Gaps between dwellings are generally narrow and discrete. This results in the street having an appearance of a largely continuous line of built form. The mass is visually disaggregated through the addition of architectural detailing and forward projecting bays which add variety and relief. The site itself contains two semi-detached bungalows within comparatively spacious plots. These are discordant with the established character of the wider area. The site therefore makes a neutral contribution to the character and appearance of the area.

10. The proposed development would include narrow side passageways connecting to rear gardens. The proposal would be two-storey in character, with a contemporary architectural style, including dormers and rooflights. The front elevations would include a variety of materials and forms to add interest. As a result, the scale and design detailing of the proposed development would complement the character of the local area. Furthermore, the slight increase of height of the middle two dwellings, compared to the outer plots, would be imperceptible in the wider street scene. The proposal would therefore create a scale and design of development that would complement the street.

11. Furthermore, the width of plots and the gaps between buildings would accord with the appearance of nearby dwellings. Therefore, whilst detached properties are less evident locally, this in itself would not result in the appearance of a development that would be a cramped or unsympathetic addition to the surrounding area. As such, the proposal would make a positive contribution to the street scene and the character of the area.

12. Accordingly, the proposal would satisfy policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) which amongst other things seeks development to reinforce valued local characteristics. Furthermore, the proposal would satisfy policy 1 of the LP where it seeks development to be sympathetic to the character and appearance of neighbouring buildings and the surrounding area. The proposal would also satisfy the Council's Residential Design Guide (2009) which requires infill development to respect existing massing, building form and heights of buildings within their immediate locality. These policies are in general conformity with the Framework which seeks development to be sympathetic to the local character.

Conclusion

13. I have found that the proposal would accord with the character and appearance of the area. However, I conclude that the appeal proposal would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, that outweigh this conflict. For these reasons the appeal is dismissed.

Ben Plenty

INSPECTOR