
Appeal Decision

Site visit made on 8 September 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2020

Appeal Ref: APP/J3015/D/20/3255088

1A Trevor Road, Beeston NG9 1GR

- 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 Ryan Foster against the decision of Broxtowe Borough Council.
 - The application Ref: 20/00127/FUL, dated 17 February 2020, was refused by notice dated 21 May 2020
 - The development proposed is to construct a single storey rear extension, a two storey rear and side extension and a raised deck.
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Decision

1. The appeal is allowed and planning permission is granted to construct a single storey rear extension, a two storey rear and side extension and a raised deck at 1A Trevor Road, Beeston NG9 1GR in accordance with the terms of the application, Ref: 20/00127/FUL, dated 17 February 2020, 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 plans: 2001 OS rev A OS Location & Block plans, 2001 p02 rev B Proposed plans and elevations.
 - 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 Ryan Foster against Broxtowe Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, in particular 1 Trevor Road (No 1) by way of outlook, visual impact, light and privacy.

Reasons

4. The appeal property comprises a detached house. To the rear is a raised patio, with steps leading down to a garden. The side wall facing No 1 angles away

- from the shared boundary. The side of this neighbouring property is also set in from this boundary and is at a lower ground level. The side elevation contains a kitchen window and other smaller openings. To the rear, No 1 contains a garage type building close to the boundary, as well as a garden.
5. The 2 storey element of the proposal would project slightly beyond the existing side elevation and would leave a gap up to the boundary with No 1 that would increase to the rear, due to its angled nature. The height to the eaves level would be set down from the main house with the roof plane then sloping back away from the side of No 1.
 6. With the resultant relationship there would be with No 1, the effect on the outlook from the kitchen window would not be unacceptable due to the height of the proposal. The proximity would not be as such that the sense of enclosure would amount to an overbearing effect. Nor is the difference in levels decisive, especially as the facing wall of the proposal would be set down in height from that of the existing house.
 7. Similarly, light would still reach the kitchen window in the afternoon and evening times from the direction of the appeal property's garden, beyond the proposed extension. The angling away of the proposal from the boundary towards the garden would also assist in this regard. The remaining windows on the side elevation of No 1 are of a more secondary nature, and so would also not be unduly impacted.
 8. The proposed raised deck would be set at a lower ground level than the existing patio and, unlike the patio, it would be screened. Further screening to part of No 1's garden would also be afforded by the proximity of the garage building to the boundary. Hence, overlooking from the proposed raised deck would be limited and the enjoyment of the use of No 1's garden would not be diminished to an untoward degree.
 9. The effect on other neighbouring properties would also not be unsatisfactory. The nearest property on Queens Road West is well set forward and the part of the proposal adjacent to that property's narrowing rear garden, which is at a lower ground level, would be the single storey extension and the screened raised deck. The properties on Georgina Road to the rear are well set back and the proposal itself would be a not inconsiderable distance from this shared boundary.
 10. I am not unsympathetic as regards the concerns of local residents. However, the effects would not be to the extent that they would justify withholding the grant of planning permission. Matters raised in relation to well-being are already inherent in the development plan policies as they seek to protect living conditions through considering amenity.
 11. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of neighbouring properties, in particular No 1 by way of outlook, visual impact, light and privacy. Accordingly, it would comply with Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) which states that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents or occupiers, amongst other elements.

12. It would also comply with Policy 17 of the Council's Part 2 Local Plan 2018-2028 (2019) which seeks to ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties, and that in the case of householder development that it should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties, amidst other considerations.

Other Matters

13. In relation to the effect on the character and appearance of the area, the proposal would be well set back from both the front elevation of the existing house and the site frontage. Its height would be less than the existing house and whilst it would be relatively substantial, it would be a subservient element as viewed from the streetscene. It would also not unduly detract from the open character of the rear gardens because it would be more closely related to the built form of the existing house.
14. The Planning Officer Report states that the site is located in Flood Zone 2 and 3. In relation to the associated flood risk, this would be limited because the floor levels would be no lower than the existing and much of where the proposal would be built is where the existing raised patio is found, with the proposed raised deck beyond. The property has no off-street car parking, however, any additional occupancy related to an additional bedroom would not cause justifiable parking and access concerns.

Conditions

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

Conclusion

16. 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