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## Appeal Decision

Site visit made on 16 November 2020

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

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

**Decision date: 2 December 2020**

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**Appeal Ref: APP/Q3060/W/20/3258146**

**120 Middleton Boulevard, Nottingham NG8 1AA**

- 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 M Wasim against the decision of City of Nottingham Council.
  - The application Ref 19/02814/PFUL3 (PP-08373922), dated 17 December 2019, was refused by notice dated 9 March 2020.
  - The development proposed is single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposal on the living conditions of neighbouring residents with regards to outlook; and
  - Whether the proposal would preserve or enhance the character and appearance of the Sutton Passeys Conservation Area.

### Reasons

#### *Living Conditions*

3. The appeal site consists of a detached single storey building with open areas to the front and rear. Although the property is of a domestic scale and arrangement, planning permission has previously been granted for the use of the site as a doctor's surgery and the evidence suggests it was last used as a church hall.
4. Planning permission<sup>1</sup> has previously been granted for an extension to the rear, and I saw that a development had commenced. The approved development includes a step back of the rear elevation of the extension close to the boundary with 122 Middleton Boulevard, as well as the use of two separate pitched roofs.
5. The appeal proposal would extend beyond the stepped back element of the previous permission, bringing the rear elevation and the roof of the building in closer proximity to the rear of No 122. Even allowing for the single storey form of the building, the massing and proximity of the appeal proposal would have

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<sup>1</sup> Reference 14/02447/PFUL3 (PP-03717397)

an overbearing impact on views from the rear of No 122, including the rear garden which is of a limited size. This overbearing impact would be exacerbated due to the arrangement of the buildings at an angle where the extension would project towards the boundary with No 122, as well as the effect on the amount of light reaching the rear garden.

6. The appellant refers to the 45 degree angle rule which he considers indicates that there would be no impact on adjoining properties. However, whilst this may be a useful rule of thumb for properties of a more typical arrangement, this does not lead me to a different conclusion in respect of the harm to No 122 due to the specific circumstances of these properties.
7. I conclude that the proposal would lead to significant harm to the residents of No 122 due to an overbearing impact on the outlook from that property. The proposal would therefore be contrary to the amenity requirements of policy DE1 of the Council's Land and Planning Policies 2020 (LAPP) and policy 10 of the Aligned Core Strategy 2014 (the Core Strategy).

#### *Conservation Area*

8. The appeal site is located within the Sutton Passeys Conservation Area which includes dwellings constructed from methods resulting from labour shortages at the end of the First World War and a suburban character linked to the Garden City Movement, which contribute to the importance of the Conservation Area as a designated heritage asset. The appeal site is within an area of later houses which reflect the scale and form of the initial phase of development, but which use more conventional construction methods.
9. However, the area in the vicinity of the appeal site does not reflect the more regular rhythm and grain of the earlier phase of development, and the appeal building is also set at an angle to neighbouring properties. Because of this arrangement, there is no particular appearance of symmetry between the appeal building and other buildings in this extent of the streetscape. Furthermore, the previously permitted scheme would also reduce the gap between the appeal building and neighbouring sites, albeit to a lesser degree than the appeal proposal. On that basis, the proposal would not harm the character and appearance of the Conservation Area.
10. I conclude that the proposal would preserve the character and appearance of the Conservation Area and it would not conflict with the design and heritage requirements of policy DE1 of the LAPP or policies 10 and 11 of the Core Strategy.

#### **Other Matters**

11. The Nottingham Civic Society refers to harm arising from parking on the front garden of the property as well as suggesting an alternative use for the site. However, these matters do not fall within the remit of this appeal.
12. The appellant has referred to planning permissions granted on nearby properties. However, I have not been provided with details of these schemes and so cannot be certain that they represent a direct parallel to the appeal before me, which I have determined on its own merits.

## **Conclusion**

13. Notwithstanding my conclusions in respect of the Conservation Area, the proposal would lead to significant harm to the living conditions of residents of No 122 and would therefore conflict with the development plan when read as a whole regarding the amenity of neighbouring properties. I therefore conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR