



Appeal Decision

Site visit made on 23 November 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/Q3060/D/20/3259596

33 Highfield Road, Dunkirk, Nottingham NG7 2JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Shakeel Ahmed against the decision of Nottingham City Council.
 - The application Ref 20/01266/PAHPD, dated 6 July 2020, was refused by notice dated 6 August 2020.
 - The development proposed is a 6m rear extension to create additional kitchen/dining room. Two rear windows facing the garden. Height of extension 3m.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. For clarity, I have taken the date of the application from the appellant's appeal form as there is no date on the application form.
4. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

5. The effect of the proposed development on the amenity of the adjoining occupiers of No. 35 Highfield Road (No. 35).

Reasons for the Recommendation

6. No. 33 is a two-storey, semi-detached dwelling. The extension would project 6 metres beyond the rear elevation of the appeal property and would have a total height of 3m.

7. The extension would be adjacent to the common boundary shared with the adjoining dwelling, No. 35, which does not have a rear extension. To the ground floor it has French doors adjacent to the common boundary and a window beyond. Marking the boundary is one solid fence panel, adjacent to the rear elevation of the properties, which steps down to a lower fence with a trellis top.
8. In contrast to the modest height of the existing fencing, the proposed development would have an overbearing impact upon No. 35 because of its depth, height and siting adjacent to the common boundary. The scheme would be substantially higher than the fence and would result in a significant length of walling, directly along the shared boundary, which would have a detrimental impact upon the outlook from particularly the ground floor French doors. Views from the garden would also be dominated by the large projection.
9. The development would not result in an unacceptable loss of light reaching the rear of No. 35 or significantly overshadow it due to the siting of the two properties and the orientation of the sun. The rear elevations of No. 33 and 35 are south-east facing with No. 35 siting to the south-west of No. 33. Thus, the rear elevation of No. 35 would continue to receive suitable levels of light.
10. For the reasons given above, the proposed development would harm the amenity of the adjoining occupiers of No. 35. Consequently, prior approval should not be granted.

Other Considerations

11. I note the appellant's frustration with the Council. In addition, the appellant has highlighted similar extensions at No. 27 and 49 Highfield Road as well as a property on Ednaston Road. Little information is before me with regards to those extensions in terms of whether they have planning permission or the specific circumstances of the cases in question. However, regardless of those matters, I am required to determine the appeal solely in relation to the impact on the amenity of neighbouring occupants. For the reasons given, it would have a harmful impact in that regard and the existence of other development does not alter my conclusions on that matter.

Conclusion and Recommendation

12. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR