



Appeal Decision

Site visit made on 8 December 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/P3040/D/20/3258867

11 Delville Avenue, Keyworth, Nottingham NG12 5JA

- 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 George Brook against the decision of Rushcliffe Borough Council.
 - The application Ref 20/01033/FUL, dated 7 May 2020, was refused by notice dated 6 August 2020.
 - The development proposed is erection of two-storey side/rear extension and single storey front porch, increasing height of the existing roof to facilitate accommodation at first floor, alterations to fenestration, insertion of dormer windows to the front and rear and rendering of the entire dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two-storey side/rear extension and single storey front porch, increasing height of the existing roof to facilitate accommodation at first floor, alterations to fenestration, insertion of dormer windows to the front and rear and rendering of the entire dwellinghouse, at 11 Delville Avenue, Keyworth, Nottingham NG12 5JA, in accordance with the terms of the application Ref 20/01033/FUL, dated 7 May 2020, and 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: 20-2018-1 Proposed extensions and second storey – Existing; 20-2018-1 Proposed extensions and second storey – Proposed.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice as it more comprehensively describes the development proposed and has been adopted by the appellant in the appeal form.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of Nos 9 and 13 Delville Avenue, with particular regard to outlook.

Reasons

4. The Rushcliffe Residential Design Guide Supplementary Planning Document (2009) (SPD) advises that extensions may be overbearing if they are too high

or too close to the boundary, or if they project a long way beyond the neighbour's dwelling. It stipulates that the extension should not breach a 45 degree line taken from the centre of the neighbour's window.

5. The development would increase the height of the dwelling and bring it very close to the boundary with No 9. There is also a small difference in level between the properties. This notwithstanding, the resultant height of the roof would be similar to that of No 9 and also No 13, such that neither neighbouring property would be dwarfed in that respect.
6. No 9 does not have any windows in the side elevation facing the appeal property, but the development would project beyond its rear elevation. The nearest rear-facing window of No 9 is currently obscured by vegetation, although there is no certainty that this will remain the case. Irrespective, the drawings indicate that the development would not breach a 45 degree line from this window. I am also mindful that the roof would be sloping backwards from the nearest point to the boundary and that the garden of No 9 is very wide. Consequently, I am satisfied that the development would not have an overbearing effect on the outlook from No 9.
7. The development would increase the height of the gable in relation to a side-facing first floor window in the gable of No 13. According to the Council, this is the only window serving the particular bedroom and the separation distance would be approximately 8m. Nevertheless, in my judgement, owing to the tapering form and height of the gable, combined with a half-hipped roof and the separation distance involved, the development would not appear overbearing from this window. No 13 also has a rear dormer window, but the drawings indicate that the development would not breach a 45 degree line from this window. Consequently, I am satisfied that the development would not have an overbearing effect on the outlook from No 13.
8. Drawing these matters together, I conclude that the development would not have an unacceptable effect on the living conditions of the occupiers of Nos 9 and 13 Delville Avenue in respect of outlook. Thus, the proposal complies with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019), which amongst other things, seek to protect the living conditions of nearby residents. There is also no conflict with the SPD in this regard.

Conditions

9. As suggested by the Council in the appeal Questionnaire, I have imposed the standard commencement and approved plans conditions for the avoidance of doubt and in the interests of proper planning. The proposed materials would not match the existing dwelling so I have not imposed the suggested matching materials condition.

Conclusion

10. For the reasons given, I conclude that the appeal should be allowed.

A Caines

INSPECTOR