



# 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/Q3060/W/20/3257776**

**Millstream Court, Peveril Street, Nottingham, NG7 4AJ**

- 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 Warjinder Khamba against the decision of Nottingham City Council.
  - The application Ref 20/00356/PFUL3, dated 14 February 2020, was refused by notice dated 4 June 2020.
  - The development proposed is replacement of pitched roof with flat roof and replacement windows.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The works to the roof have already taken place and therefore the proposal is part retrospective.

## Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the host building and surrounding area; and ii) upon the living conditions of the occupiers of neighbouring properties with particular regard to outlook.

## Reasons

### *Character and appearance*

4. I am informed that the appeal building is a former Victorian factory building, which notwithstanding its current poor condition, is distinctive for its form, architectural detailing, and as a surviving example from the nineteenth-century intensive industrial development of the area. The three-storey building is closely surrounded by terraced housing of mostly similar age and height, which are either brick or rendered with slate-covered pitched roofs.
5. The loss of the pitched slate roof has resulted in a boxy building form, which is wholly at odds with the character of the original building and the surrounding Victorian townscape. The harm is exacerbated by the grey composite cladding to the upper parts of the front and rear elevations, which draws attention to the development and does not relate sympathetically to the character of the building, or the surrounding area. As a result, the development stands out incongruously in the view along Aspley Place from Bentinck Road, and also in a

gap from Peveril Street. It is also visible to the occupants of the surrounding terraced housing.

6. The proposed replacement windows did not feature in the Council's refusal reasons. Nonetheless, as noted in one of the objections, there are no detailed specifications of the replacement windows. In the absence of such details I am unable to properly assess the effect of the proposed windows on the character and appearance of the building and area. Given the age and character of the building, it would not be appropriate to leave such matters wholly to planning conditions, notwithstanding it is not a listed building or within a conservation area.
7. Drawing these matters together, I conclude that the development would cause unacceptable harm to the character and appearance of the host building and surrounding area. This is contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) (LP1), and Policy DE1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (2020) (LP2). These policies stipulate, amongst other things, that new development should be well designed, and have regard to local context and townscape character.

#### *Living conditions*

8. Even if the development has not increased the overall height of the building, the height of the eaves at the front and rear has increased markedly. Instead of facing an away-sloping roof, the outlook from the upper floor windows of the neighbouring terraced dwellings is now onto a vertical wall, which owing to the proximity, is likely to appear oppressive from those windows. The use of cladding does not diminish this effect.
9. In the absence of any specific evidence to the contrary, there is unlikely to be significant overshadowing compared to the existing situation. I also note that the proposal does not include additional windows. However, for the reasons above, I have found harm to the living conditions of the occupiers of the neighbouring dwellings with regards to outlook.
10. I therefore conclude that the development would cause unacceptable harm to the living conditions of neighbouring occupiers in respect of outlook. This is contrary to LP1 Policy 10 and LP2 Policy DE1, which amongst other things, seek to protect the living conditions of nearby residents.

#### **Other Matters**

11. The appellant states that the roof alterations were carried out because access to erect scaffolding to one side of the building was denied. I also note from the planning history that the building benefits from prior approval for change of use to residential. Nonetheless, these are not considerations which justify the harm I have identified.

#### **Conclusion**

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

*A Caines*

INSPECTOR