

Appeal Decision

Site Visit made on 9 December 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/N3020/D/20/3263301

1 Shandwick Close, Arnold NG5 8AZ

- 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 Ajmil Ali against the decision of Gedling Borough Council.
 - The application Ref 2020/0847, dated 13 August 2020, was refused by notice dated 9 October 2020.
 - The development proposed is a two storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice and officer report refer to the effects of the development on the occupants of 14 Strathmore Road. However, the Council have confirmed that this is an error and their concerns actually relate to No 16. I have considered the appeal on this basis. The appellant's evidence addresses the effects on No 16. Thus, I am satisfied that no interests would be prejudiced by this.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupants of 16 Strathmore Road, with particular regard to outlook and sunlight.

Reasons

4. The appeal relates to a semi-detached dwelling in a predominantly residential area. The development would project into the front garden of the property and extend out toward a single storey detached double garage. The site sits perpendicular to the rear garden of No 16. However, there is a significant difference in levels between the two properties, with the garden of No 16 sitting at a significant height above the site.
5. The garden of No 16 is relatively small for a house of this type and laid out mainly as patio. A conservatory extends into the garden toward the common boundary with No 1. Contrary to the appellant's assertion, the garden fence is not so high that outlook is constrained at ground floor level. The outlook from No 16 actually looks out mainly over the front garden of the appeal site and the cul-de-sac, with some limited longer distance views of countryside being achievable through gaps in the dwellings. While this is a largely suburban vista, it nevertheless provides a welcome sense of openness.

6. The development would project a significant way across the front of No 16's garden, leaving only a relatively small gap between the extension and the garage. This would result in a highly prominent and visually intrusive structure that would largely close off the existing outlook from downstairs windows and the garden itself. This would create an unwelcome sense of enclosure that would tangibly diminish the enjoyment of both the amenity space and conservatory to the material detriment of the occupants' living conditions.
7. It would still be possible to view out through the remaining gap and obliquely across the roof of the garage. However, this would not mitigate the overbearing presence of the extension. Indeed, the garage already protrudes above the fence to a degree. This would not therefore provide any particular form of mitigation or relief from the impact of the development. Indeed, the garage and extension together would only serve to emphasise the constrained nature of the outlook and any resulting harmful effects.
8. In coming to this conclusion, I have had regard to the fact the ridge height of the extension would be lower than that of the main dwelling, that there would be a gap between the fence and flank of the extension and that it would angle slightly away from the common boundary. Nevertheless, these factors do not alter my conclusion that the scale and height of the development, coupled with its relationship to No 16, would have an unduly intrusive and overbearing presence.
9. Neither party has provided any substantive technical evidence relating to the effect of the development on sunlight. However, the appellant has suggested that the position of the site is such that properties on Strathmore Road would receive sunlight for most of the day. Nevertheless, given the height and position of the development, and the relatively short depth of the garden, there is a reasonable likelihood that it would be in shade to some extent for part of the day. This could result in a somewhat gloomy environment in the garden for those periods affected. Although this would not persist for all times of the day, in lieu of any evidence to the contrary, I am nonetheless concerned that any harm caused would still exacerbate the overbearing impact of the development.
10. I therefore find that the development would result in an unacceptable impact on living conditions. Accordingly, there would be conflict with Gedling Local Plan Part 2 (2018) policies LPD32 and LPD43. These seek, amongst other things, to ensure development does not have a significant adverse impact on the amenity of nearby residents.

Other Matters

11. The appellant has alluded to what would be acceptable if the two properties were on the same level and the proposal were single storey. However, such hypotheticals do not alter my conclusions about the likely impacts of the proposal before me.
12. Similarly, the appellant has suggested that if the development had been to the rear of the property it would have nearly fallen within the limitations of permitted development. Whether or not this would be the case does not alter my concern that the scale and siting of the extension would have an unacceptably harmful impact.

13. The appellant has indicated that they suggested to the Council they could reduce the pitch and hip of the roof. However, I am required to consider the proposal before me and thus this has no bearing on my decision.

Conclusion

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

S J Lee

INSPECTOR