



Appeal Decision

Site visit made on 9 February 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/P3040/D/20/3264367

40 Stanhome Drive, West Bridgford NG2 7FU

- 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 Asif Ali against the decision of Rushcliffe Borough Council.
 - The application Ref 20/02121/FUL, dated 2 September 2020, was refused by notice dated 26 October 2020.
 - The development proposed is demolition of conservatory; two storey side extension; single storey side extension; partial render of property and conversion of the garage into play room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on:
 - (a) the character and appearance of the area;
 - (b) the living conditions of occupiers of No 42 Stanhome Drive with particular regard to outlook, light and privacy; and
 - (c) if there is any harm identified under main issues (a) or (b), whether such harm is outweighed by the personal circumstances put forward by the appellant.

Reasons

Character and appearance

3. No 40 Stanhome Drive is situated within a close-knit residential area which comprises of mainly detached two-storey dwellings of traditional design. The gable sided design of the appeal dwelling at No 40 differs from the hipped roof forms more commonly seen in the area. Even so, the proportions of the dwelling and its position set in from the boundaries of its corner plot ensures that it sits comfortably within the street scene. Consequently, the dwelling positively contributes to the pleasant sense of order and general consistency in scale which characterises the area.
4. The bulk, mass, height and gabled design of the rear elevation of the two-storey extension, together with its projection forward of the main rear elevation would visually dominate and unbalance the host dwelling. This extension would also be positioned closer to the boundary with the highway

than the front elevations of the row of dwellings on this side of Denton Drive. Therefore, the development would be prominent in views for those travelling up the hill on Denton Drive towards the rear boundary of the site. As a result, the extension would read as an imposing and incongruous addition to the host dwelling and would have an adverse effect on the street scene.

5. My attention has been drawn to an existing planning permission on the site which included a two-storey side extension in a similar position to the appeal proposal. However, in that instance the ridge of the two-storey element would be set further below the ridge of the main roof. The two-storey elevations in that instance would also be set back from the main front and rear elevations of the dwelling and the rear projecting element would be single storey. Therefore, the fallback position of the previously approved extension would have a greater degree of subservience and would have a less imposing relationship with the street scene when compared with the appeal proposal.
6. Even if the main ridge of No 40 is lower than that of neighbouring properties, the overall proportions of the two-storey extension would not complement the host dwelling or its surroundings. I have also seen the examples of other two-storey extensions in the area provided by the appellant. However, from the evidence before me these extensions either better relate to the design of their hosts or where they project forward of main front or rear elevations they do not occupy as prominent a position within the street. In any case, I am not aware of the material considerations that were relevant at the time each of these developments were considered nor do I consider that they justify the site-specific harm I have identified.
7. I conclude that the development would have a significantly harmful effect on the character and appearance of the area. In that particular regard the development would conflict with the design and character and appearance aims of Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) (2019).
8. The Council's decision refers to the Rushcliffe Residential Design Guide. I have not been provided with a copy of this document. In any case, I am conscious that this is guidance only and I have therefore assessed the proposal on its own merits against the adopted policies of the development plan.

Living conditions of occupiers of No 42 Stanhome Drive

9. The evidence before me indicates that the windows to the side elevation of No 42 are either secondary or non-main habitable room windows. At ground floor level, there is an existing high timber fence positioned along the shared boundary in line with the neighbouring ground floor windows. The single storey side extension would be taller than the conservatory it would replace but would be set further away from the boundary with this neighbour.
10. Even accounting for the position of No 42 at a lower level to the appeal site, given the nature of neighbouring windows, the boundary treatment in place and the spacing between the proposal, I am satisfied that there would be no material harm to the levels of outlook or light experienced by the occupiers of No 42. The relative position of the development to the private outdoor space serving this neighbouring property would also ensure adequate means of light and outlook would be retained to the neighbouring private rear garden.

Furthermore, windows are positioned on the front and rear elevations of this extension and would not result in any material loss of privacy for this neighbour. The two-storey extension would not have a material effect on neighbouring living conditions given its layout and the intervening distances.

11. I conclude that the development would have an acceptable relationship with the living conditions of the occupiers of No 42 with particular regard to levels of outlook, light and privacy. In that particular regard the development would comply with the aims which seek to ensure that development does not result in overbearing, overshadowing or loss of privacy impacts in Policy 1 of the LPP2.

Personal circumstances and the planning balance

12. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted.
13. I have concluded that the development would result in significant harm to the character and appearance of the area. I have also concluded that the development would not result in material harm to neighbouring living conditions, although this is of neutral consequence in the balance.
14. I have carefully considered the reasons why the appellant has applied for planning permission. The proposed dwelling would have the potential to provide enough accommodation for the appellant's family including a bedroom and bathroom with enough space for their elderly mother who has mobility problems.
15. I have no doubt that the proposals would be of benefit to the appellant in providing support to their family. These are personal circumstances to which I afford weight in favour of the appeal. In weighing the personal circumstances in the balance, this has to be considered against the very significant effect that the development would have upon the character and appearance of the area.
16. I have given due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the provisions of the Human Rights Act 1998.
17. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the character and appearance of the area can be reasonably safeguarded. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the appellant and their family members human rights. Therefore, whilst I acknowledge the personal circumstances of the appellant, this is not a matter which outweighs the significant harm that would be caused by the proposal to the character and appearance of the area.
18. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the up-to-date development plan.

Conclusion

19. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR