



Appeal Decision

Site Visit made on 27 April 2021

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 27th May 2021

Appeal Ref: APP/P3040/W/20/3264786

33 Fox Road, West Bridgford, Nottingham NG2 6AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr P Forster of Simpull Limited against Rushcliffe Borough Council.
 - The application Ref 20/01748/FUL, is dated 17 July 2020.
 - The development proposed is described on the planning application form as a two storey rear extension and internal alterations, to include new light well to front, to create two additional flats.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension and internal alterations, to create one additional flat at 33 Fox Road, West Bridgford, Nottingham NG2 6AJ in accordance with the terms of the application, Ref 20/01748/FUL, dated 17 July 2020, 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: 892 003 Rev G, 892 004 Rev G
 - 3) The materials proposed to be used on the external surfaces of the development shall be as indicated on the approved plan ref 892 004 Rev G.
 - 4) No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plans. The parking and turning areas shall remain in place for the life of the development.
 - 5) No part of the development hereby permitted shall be brought into use until secure, covered cycle storage is provided in accordance with the approved plans. The cycle storage shall thereafter be maintained for the life of the development.
 - 6) The minimum floor levels of the extension shall be set no lower than 25.0 metres (300 mm above the estimated 0.1% AEP flood level) and the extension shall be constructed and completed in accordance with the proposed flood risk management measures set out within the document 'Flood Risk Assessment for the Proposed Two Storey Rear Extension and Internal Alterations to Create x2 Additional Flats', produced by Swish Architecture & Planning, dated August 2020.

Preliminary Matters

2. The description of development given on the application form refers to the creation of two additional flats. However, subsequent re-designs of the development reduced the size of the extension and the number of additional flats from 2 to 1. The following revised description was provided by the appellant on the appeal form '*two storey rear extension and internal alterations to create one additional flat*'. On the basis that the Council has agreed to this revised description, I have used it in the determination of this appeal.
3. The design of the two storey extension evolved during consideration of the application to address concerns raised by the Council regarding its design. I have assessed the proposed extension on the basis of revision G to the proposed plans which neighbours were consulted upon.
4. At the time of the site visit a two storey rear extension was under construction at 33 Fox Road. I have determined this appeal though on the basis of the plans referred to in the previous paragraph rather than by assessing what was being constructed on site.

Main Issues

5. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbours with regard to outlook and overshadowing; and,
 - whether the proposed development would provide acceptable living conditions for future occupiers of the appeal property, with particular regard to amenity space provision.

Reasons

Character and appearance

6. 33 Fox Road is a semi-detached three storey house that has been subdivided into flats. Although the proposed rear extension would project 7.5 metres (m) off the back wall of the house, and occupy the full width of the rear elevation, it would be subservient in height to the main house and its step down from two storeys to one storey to the rear would further reduce its scale and mass. Consequently, it would complement the scale of the building. As the extension would not reduce the gap separating the house from No 35, and a gap of 1m to 4m would remain between the rear of the extension and the rear boundary, it would make efficient use of the site without harming the pattern of development that characterises the area.
7. The proposal would therefore comply with policy 10 of the Local Plan Part 1: Rushcliffe Core Strategy and policy 11 of the Local Plan Part 2: Land and Planning Policies. These policies, amongst other matters, require the protection of the character and appearance of a locality through high quality design that respects local design features.

Living conditions of neighbours

8. The concerns of the Council relate to the effect of the extension on outlook and the levels of sunlight experienced at the rear of the attached house, No 31, which is located on the northern side of the appeal property. The second storey

of the proposed extension would be stepped away from the rear side boundary with No 31, and its length would be far shorter than the ground floor part of the scheme below. As a result, the second storey of the proposed extension would not exceed a 45 degree angle drawn from the centre of the first floor adjacent window at No 31. Consequently, it would not harmfully enclose the outlook from this window or harmfully overshadow it.

9. The ground floor rear facing window at No 31 would be enclosed by the long flank wall of the ground floor of the rear extension. However as this window is obscurely glazed it appears to me that the room it serves is a bathroom, which as a non-habitable room is not expected to have an outlook or benefit from sunlight.
10. In relation to the back garden at No 31, the stepped design of the proposed extension would ensure that it would not be overbearing or place an undue amount of the rear garden in the shade.
11. To the rear of the house is Cricketer's Court, a two storey residential flatted development. The proposed rear extension would project close to the rear boundary of the appeal site, but would only be a single storey in height for the last several metres of its length. As a result, with the notable set back of the dwellings at Cricketer's Court from this boundary and no habitable room windows within the Court directly facing the extension, together with mature intervening planting, it would not be overbearing or result in a loss of privacy.

Amenity space provision at the appeal property

12. Prior to the current building works taking place, the appellant states that two of the four parking spaces to the rear of the building were occupied by a small fenced grassed outdoor amenity space. On the basis of the plan showing the house prior to the commencement of building works, this appears to have served only the ground floor flat, as the French windows from the rear bedroom serving this flat opened out onto this space. As a result, the first floor flat appears to have been provided with no on site outdoor amenity space.
13. The proposed development in creating an additional flat, and providing a private outdoor space to only one of them, would increase the number of flats without outdoor amenity space from one to two. It appears to me though that some of the similar neighbouring semi-detached houses have been converted to apartments with little or no outdoor amenity space. As a result, this appears to be a common arrangement in the immediate area for large houses on small plots converted to flats. Moreover, with the playground, playing fields and park on Bridgford Road within short easy walking distance to the south, and Trentside similarly located to the west, there is good access to off-site public amenity space.
14. The supplementary planning document 'Rushcliffe Residential Design Guide' (SPD) recognises that the provision of outdoor amenity space depends on the nature of the scheme and the character of the surrounding area, and advises that every case will be treated on its merits. For the site specific reasons given, I therefore find that the provision of private amenity space to only the ground floor flat in this scheme is acceptable.
15. In my judgement, the windows serving both flats that would make use of the proposed extension would provide adequate ventilation, outlook and levels of natural light.

16. Taking all these matters into account, I therefore conclude that the proposal would result in acceptable living conditions for neighbours and future occupiers of the appeal property. The proposed development would therefore comply with policy 10 of the Local Plan Part 1: Rushcliffe Core Strategy and policy 1 of the Local Plan Part 2: Land and Planning Policies which seek to prevent such harm and the SPD.

Conclusion

17. For the reasons given above I therefore conclude that the appeal should be allowed.
18. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To ensure that the development complements the appearance of the area, it needs to incorporate the external materials specified on the relevant plan. In the interests of highway safety, on-site parking needs to be provided along with a turning area so that vehicles can enter and exit the site in a forward gear. To encourage sustainable travel, cycle storage also needs to be provided. To mitigate the risk of flooding, minimum floor levels need to apply to the extension and its construction needs to be adapted. I have required all these matters by condition.

Ian Radcliffe

INSPECTOR