



Appeal Decision

Site visit made on 25 May 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal Ref: APP/J3015/W/21/3268662

39 Northern Drive, Trowell NG9 3QN

- 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 David Gunn against the decision of Broxtowe Borough Council.
 - The application Ref 20/00444/FUL, dated 10 July 2020, was refused by notice dated 4 December 2020.
 - The development proposed is 'construction of a new semi-detached dwelling adjacent to 39 Northern Drive (existing property) & changes to finishes on the existing property'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of No 41 Northern Drive and No 26 Wortley Avenue with particular regard to privacy, outlook and light.

Reasons

3. No 39 is a modest two storey detached dwelling with driveway to the side in an area largely characterised by two storey properties of similar ages, styles and materials. The property is located towards the head of Northern Drive where it joins Wortley Avenue. The depth of plots narrows towards the top of the road and the land slopes so that Northern Drive is slightly higher than Wortley Avenue.
4. The proposal is to extend out from the side elevation of No 39 to the full width of the plot at two storeys to provide an additional two bedroomed dwelling, creating a semi-detached pair.
5. No 41 Northern Drive is a detached house sited at right angles to the appeal property. Its rear elevation faces the side boundary of No 39 at relatively close proximity due to No 41's limited rear garden depth. No 41 has living room, kitchen, bedroom and bathroom windows in the rear elevation. Even though the proposed dwelling would have a hipped roof its two-storey side elevation would be sited on the joint boundary at a distance of approximately 4 metres from the rear elevation of No 41. The bulk of the building on the side boundary would be visually obtrusive when viewed from the windows of No 41 and would reduce the light into, and diminish the outlook from, habitable room windows on the ground and first floors. It would also dominate the rear garden area. As

a result, the siting of the proposed dwelling would be detrimental to the living conditions of No 41.

6. The proposed dwelling would have a maximum rear garden depth of approximately 5.6 metres adjacent to the garden of No 26 Wortley Avenue. The garden of No 26 is to the side due to the restricted depth of the plot and No 26 has been extended to the side close to the joint boundary. The proposed dwelling would add significant additional mass to No 39. Even so, the bulk of the building would be off set from the side extension to No 26 and would be at an angle to its side garden. The rear facing first floor bedroom window of the proposed dwelling would look towards the side garden of No 26 but this would not be an unusual arrangement on the street and would not result in significant or harmful loss of privacy. The removal of the rear conservatory to No 39 would reduce the amount of development close to the boundary with No 26 and would mitigate, to some extent, the bulk of the side addition. So that, overall, the proposal would have a limited effect on the outlook from, and light into, the garden and rear elevation of No 26.
7. Nevertheless, while the living conditions of the occupiers of No 26 Wortley Avenue would not be harmed, the development would harm the living conditions of the occupiers of No 41 Northern Drive with particular regard to outlook and light. This would conflict with Policy 10 of the Broxtowe Borough Aligned Core Strategies Part 1 Local Plan September 2014 and Policy 17 of the Broxtowe Borough Council Part 2 Local Plan 2018-2028 where these policies seek to ensure a satisfactory degree of amenity for occupiers of neighbouring properties.

Other Matters

8. I accept that the Council considers the design of the dwelling to be appropriate to the character and appearance of the area, however, this does not change my conclusion on the main issue.
9. The appellant considers the land to be underused, even so, the land provides car parking and amenity space for the existing dwelling in a restricted plot. I do not consider the appeal site to be underused.

Planning Balance

10. The appellant says that the Council cannot demonstrate a five-year supply of deliverable housing sites and the Council does not contest this. Consequently, paragraph 11 d)(ii) of the Framework is engaged.
11. The dwelling would provide a small but valuable contribution to the supply of housing and would do so by making good use of land within the existing urban area in an accessible location as advocated by the Framework. These social and economic benefits attract moderate weight in the planning balance.
12. However, the Framework seeks to achieve well-designed places including by ensuring a high standard of amenity for existing users. Good design is a key aspect of sustainable development. I am not persuaded that the current proposal would achieve this objective. On the contrary, the scheme would cause serious harm to the living conditions of the neighbouring property No 41. This factor weighs significantly against the proposal and leads me to the view that the adverse effects of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the

Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply.

Conclusion

13. Overall, the proposal conflicts with the development plan and there are no material considerations, including the Framework, that outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR