

Appeal Decision

Site Visit made on 17 August 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal Ref: APP/Q3060/W/21/3274186

79-81 Haydn Road, Nottingham, NG5 2LA

- 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 Dabb against the decision of Nottingham City Council.
 - The application Ref 20/01886/PFUL3 (PP-09038304), dated 3 September 2020, was refused by notice dated 3 November 2020.
 - The development proposed is second floor extension over existing 2 storey storage buildings to provide office accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework was revised on 20 July 2021 and the Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring properties, with particular reference to overbearing impact, sunlight, daylight and outlook.

Reasons

4. The appeal site comprises a two storey building, used for the purposes of storage, located to the rear of a double fronted retail unit, within a local town centre. The rear boundary of the site is adjacent to the residential gardens of properties within Percival Road.
5. Haydn Road is a mixed use street, with commercial properties on the ground floor and residential uses within upper floors, with a number of properties having workshops and ancillary buildings to the rear.
6. The proposed development would result in an additional storey above the existing storage unit to provide office accommodation. The entrance to the site is currently enclosed by a gate, however views of the existing two storey building are possible along Haydn Road.

7. The introduction of an additional storey would result in a building which would be significantly higher than other ancillary buildings located to the rear of Haydn Road and would result in a highly visible structure which would be prominent in views along Haydn Road. Whilst these would be predominately glimpsed views from those travelling along the road, the resultant building would still be incongruous and overtly dominant and would fail to enhance the local environment.
8. Therefore, the development would be harmful to the character and appearance of the area contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 2014 (CS) which seeks to ensure that any new development is designed to create an attractive environment. It would also be contrary to Policies DE1 and DE2 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 2020 (DPD) which together seek to ensure that buildings enhance the local environment and reinforce positive characteristics, creating attractive new places.

Living Conditions

9. The existing two storey storage building is located on the rear boundary adjacent to the gardens of properties in Percival Road. The rear of the dwellings are visible in the gaps between the properties in Haydn Road and are set at a higher level.
10. From within the garden of 110 Percival Road it is possible to see the top of the existing storage building, albeit landscaping provides an element of screening along the rear boundary. Despite this the existing building is particularly visible from the upstairs bedroom window and the kitchen and this would be more so during winter months when the trees would have lost their leaves.
11. It has been put to me that the existing landscaping currently restricts the light received and outlook from these existing rooms. However, the site currently receives a reasonable amount of light, due to the height of the canopy and the light which filters through the leaves. These trees are within the gardens of Percival Road and therefore maintenance could take place to reduce the canopy if required by the occupants. Therefore, the impact of the landscaping is not the same as that which would occur as a result of the proposed development.
12. Given the height of the proposed development and its position on the boundary, I find that the proposal would have an overbearing impact when viewed from within the dwelling and the garden immediately to the rear. Given the scale and height of the proposed extension in conjunction with its proximity to the rear boundary it would obstruct light and outlook from a ground floor window at this neighbouring property, which serves a habitable room and also be detrimental to the outlook from the first floor bedroom.
13. In my view that would be harmful to the living conditions of 110 Percival Road, and other adjacent properties which share a boundary with the site, contrary to Policy 10 of the CS and Policy DE1 of the DPD which requires development to have regard to the impact on neighbouring properties.

Conclusion

14. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

