



Appeal Decision

Site visit made on 19 October 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/P3040/D/21/3277406

19 Cranberry Close, West Bridgford, NG2 7TQ

- 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 N Rabheru against the decision of Rushcliffe Borough Council.
 - The application Ref 20/02550/FUL, dated 14 October 2020, was refused by notice dated 7 April 2021.
 - The development proposed is a two storey side extension above existing garage and single storey front and rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 20 Cranberry Close.

Reasons for the Recommendation

4. The neighbouring property at 20 Cranberry Close is a bungalow with a modest-sized rear garden. The existing attached garage has a lean-to roof which appears to have been deliberately planned to taper away from the boundary with No.20, so as to reduce the physical impact. The first-floor side extension above the garage would directly abut to the shared boundary with No 20 and would project along a considerable amount of this boundary, in direct line of sight of rear facing windows. The two-storey flank wall would add substantial mass and bulk to the appeal property. Together with the modest size of the garden at No 20 and the short distance between the appeal property and the bungalow at No 20, the extension would be an obtrusive and dominant structure that have a significant and overbearing impact when viewed from the garden of No 20 and from within the bungalow itself.
 5. For these reasons, the proposal would detract from the enjoyment and thereby cause significant harm to the living conditions of occupiers of No 20. Therefore, the proposal would not accord with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (December 2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019). These policies require
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development to not cause any significant adverse effect on the living conditions of the occupiers of adjacent properties. The proposal would also fail to comply with the guidance in the Rushcliffe Residential Design Guide Supplementary Planning Document (March 2009), which seeks to ensure that extensions should respect the residential amenity of neighbours by ensuring that an extension does not have an overbearing impact to the neighbouring property.

Other Matters

6. My attention has been drawn to numerous examples where a two-storey wall of the dwelling is adjacent to or in close proximity to the rear boundary of a neighbouring property. However, no details of any planning permissions for these examples have been provided. It is not clear if these situations are caused by extensions to the properties or whether the dwellings are as they were originally designed and built. Furthermore, the aerial photographs provided show that some of the properties are at angles to each other and some have the two-storey side wall set away from the boundary, neither of which reflect the relationship between the appeal proposal and No 20. Furthermore, no substantive evidence of the distances between the two-storey side walls and the neighbouring properties, their orientation, or the position and arrangement of windows in respective elevations, has been provided. For these reasons, I cannot be certain that the context and circumstances of these examples are directly comparable to the proposal before me. In any case, this appeal has been determined on its individual merits.
7. I acknowledge that no representations were received during the original application from any neighbouring resident. However, regardless of that point, I am required to consider the likely effect on existing and future neighbours of the property. Despite the lack of objection from the present neighbours the proposal would have an unacceptable impact for the reasons given above.
8. The Council raises no concerns regarding the proposed rear extension or front porch. Based on the evidence before me I have no reason to disagree. However, this does not outweigh the harm to the living conditions of No 20 identified above.
9. I note the concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.

Conclusion

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR