



## Appeal Decision

Site visit made on 14 December 2021

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 January 2022**

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**Appeal Ref: APP/Q3060/W/21/3273146**

**Radford House, 200 Radford Boulevard, Nottingham NG7 5BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Sheikh (Hyson Green Ltd) against the decision of City of Nottingham Council.
  - The application Ref 20/02008/PAUPD, dated 20 October 2020, was refused by notice dated 22 January 2021.
  - The development proposed is erection of two storey upward extension for residential accommodation.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Under Article 3(1) and Class AA of Part 20 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use, subject to limitations and conditions.

### Procedural Matter

3. The Council has issued a single reason for refusal in the decision notice, but the wording essentially splits this into three reasons for refusal. I shall examine each one in turn during my assessment.

### Main Issues

4. The main issues are whether the proposed development would comply with the limitations and conditions applicable to development permitted, having regard to Class AA of Schedule 2, Part 20 of the GPDO, namely :
  - The age of the building
  - The effect of the development on the character and appearance of the area
  - The effect of the development on the living condition of the adjacent residential premises, by virtue of overlooking and loss of light.

## Reasons

5. Radford House is a residential building that is subdivided into studio flats and is located in an area predominately made up of student accommodation. The proposed two-storey upward extension would increase accommodation to the building.

### *The age of the building (pre-1948?)*

6. The Council have stated that the building pre-dates 1948. It would appear that no further information was requested by the Council at the time of the application and the reason for refusal is based on historic Ordnance Survey data.
7. The appellant, in their Statement of Case, has not disputed the existence of buildings on the site, but have sought to demonstrate that the current building was constructed after that key date.
8. I note the evidence supplied by the appellant with regard to archival photographs and a Nottingham Heritage Gateway study that was carried out.
9. Based on this evidence, I am satisfied that that this particular building was built post-1948 in its current form, and as a result, meets the criteria set out in the Prior Approval guidance with regard to this specific matter.

### *Character and appearance*

10. The existing building is imposing in its nature but does not look out of place in its current context and fits into the street scene in terms of its character and appearance.
11. The additional two storeys would further increase that imposing nature of the building and if harmonising with the existing building, could be acceptable in terms of its character and appearance.
12. However, I find the loss of the existing pitched roof and design of the flat roofed style structure, in addition to the external materials of the upward extension somewhat jarring with the existing structure does not sit well with the existing building and has the outward appearance of a two storey "box" sat on the existing building.
13. The National Planning Policy Framework (the Framework) supports upward extensions, and this reflects the objective of significantly boosting the supply of homes. However, the Framework caveats this by stating that such development should be consistent with the prevailing height and form of neighbouring properties and the overall street scene and should be well-designed. For the reasons I have set out, the development would not accord with the Framework in this respect.

### *Living conditions of adjacent residents*

14. The building is located within an immediate area of large buildings, and a retail park opposite. The character of the area in the locality is of tall imposing structures.
15. The proposed upward extension would make the appeal structure the most imposing building in the locality, but I find that the external window positions

and the additional height would not lead to material harm in terms of overshadowing and loss of light to other buildings, specifically the western end of the residential development to the east. Given the monolithic size of this and nearby development, normal amounts of loss of light and general overlooking can be expected, and part of the character of the immediate area.

16. I find there would be no material harm caused to the living conditions of adjacent residents, and with regard to this issue, the appeal development meets the criteria set out in the Prior Approval guidance.

### **Summary**

17. Whilst I have found in favour of the appellants in two of the matters, I have found harm to the external appearance of the building, contrary to the guidance set out in Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as well as the guidance set out in the Framework.

### **Conclusion**

18. For the above reasons, the development would have a harmful effect on the external appearance of the building, contrary to the Framework. The appeal is therefore dismissed.

*Paul Cooper*

INSPECTOR