



Appeal Decision

Site visit made on 11 February 2022

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/N3020/D/21/3282775

36 Thackerays Lane, Woodthorpe, Nottingham NG5 4HQ

- 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 & Mrs Thomson against the decision of Gedling Borough Council.
 - The application Ref 2021/0285, dated 19 March 2021, was refused by notice dated 6 August 2021.
 - The development proposed is a single storey front extension, single storey rear extension and external wall insulation with rendering to front, side and rear elevations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of 34 Thackerays Lane with regard to outlook.

Reasons

3. The appeal property is a two storey house with a flat roofed single storey rear extension and conservatory.
4. The neighbouring attached house, No 34, has a patio that extends across the full width of its rear which its living room opens on to. As a result, it is clear that the patio is an area of high amenity value for the occupiers of No 34. At present, by virtue of the set back of the conservatory at No 36 from the side boundary and its chamfered edge, the outlook from the patio and rear living room at No 34 is unencumbered by neighbouring development.
5. The proposed rear extension though would introduce built development in the form of a larger, single storey, flat roofed, rear extension set along the side boundary to a height of 3.07m and with a length of approximately 4.35m. In so doing it would extend significantly above the height of the side boundary fence, enclosing the patio and rear living room at No 34 to the extent that it would have an overbearing effect on the outlook from both.
6. Reference has been made to permitted development rights allowing an extension of very similar dimensions to that proposed to be constructed without planning permission. No 36 though has been subject to a two storey side extension in the past. As the proposed rear extension would extend beyond a wall forming a side elevation of the original dwelling, and its width would be greater than half the width of the original house, planning permission would be required for such a

- development¹. Permitted development rights therefore do not provide a fall-back position of material weight in favour of the proposal.
7. Even if this was not the case, and permitted development rights did allow a similar extension to be built, given the significant adverse effect that it would have on living conditions this consideration would be insufficient to justify the rear extension.
 8. Three nearby dwellings on the same road have full width, rear, single storey extensions. On the basis of the analysis carried out by the appellant, two of these were granted planning permission, and it appears that the third may have been carried out under permitted development rights.
 9. It is an established principle that each planning application is assessed on its merits. The relationship of all three extended houses to their neighbours are different to that between the appeal property and No 34. For example, all are detached and two of the five shown in the aerial photograph that do not have a full width rear extension either have a large rear conservatory or wider gaps separating neighbouring extensions from their main habitable rooms. The decision makers in relation to these developments exercised their judgement on the basis of their assessment of the specific circumstances of the site, as have I in relation to this appeal. Reference to these other developments therefore has not altered my assessment of the proposal.
 10. Taking all these matters into account, I therefore conclude that the overbearing outlook created by the proposed single storey rear extension would cause unacceptable harm to the living conditions of the occupiers of No 34. This would be contrary to policies LPD 32 and LPD 43 of the Gedling Borough Local Planning Document Part 2 Local Plan ('Part 2 Local Plan') which seek to prevent such harm.

Other matters

11. The Council has no objection to the proposed single storey front extension and rendered wall insulation that form part of the proposed development. By virtue of the limited extent to which the front extension would project and the uniform appearance of rendered walls, I agree with that position.

Conclusion

12. In visual terms, the proposed extensions and rendered wall insulation would be attractively designed in compliance with policy 10 of the Aligned Core Strategies Part 1 Local Plan which seeks design that enhances local identity. The proposal though would cause unacceptable harm to the living conditions of the occupiers of No 34, contrary to policies LPD 32 and LPD 43 of the Part 2 Local Plan. As a result, I find that the proposed development would be contrary to the development plan considered as a whole.
13. The other considerations put forward in favour of the proposal, including references to the National Planning Policy Framework, are insufficient to outweigh the harm that would be caused and non-compliance with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe Inspector

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class A, Paragraph A.1 (j)