



Appeal Decisions

Site visit made on 1 March 2022

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal A: APP/N3020/C/21/3273799

2 Rowan Avenue, Ravenshead, Nottingham NG15 9GA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Steven Coleman against an enforcement notice issued by Gedling Borough Council.
 - The notice, numbered 0139/2020, was issued on 30 March 2021.
 - The breach of planning control as alleged in the notice is, without planning permission, the construction of an unauthorised dormer extension and front boundary fence.
 - The requirements of the notice are:
 - i) Remove the dormer extension
 - ii) Remove or reduce in height the front boundary fence to 1m
 - iii) Remove all resulting rubble and waste materials to a point of lawful disposal.
 - The period for compliance with the requirements is 6 months
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B: APP/N3020/W/21/3270936

2 Rowan Avenue, Ravenshead, Nottingham NG15 9GA

- 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 Steven Coleman against the decision of Gedling Borough Council.
 - The application Ref 2020/0951, dated 10 September 2020, was refused by notice dated 14 January 2021.
 - The development proposed is extension to first floor to rear of dormer bungalow.
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Decisions

1. Appeal A: The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal B: The appeal is dismissed.

Main Issues

3. The fence referred to in the enforcement notice had been removed when I visited the site and the appellant does not seek permission for it via Appeal A. Accordingly, both appeals relate to the same development, which is the dormer extension. The main issues to be considered in relation to both appeals is the effect of the dormer extension on:
 - i) The character and appearance of the area; and

- ii) The living conditions of neighbouring occupiers, with particular regard to whether the development is overbearing in relation to the neighbouring 4 Rowan Avenue.

Reasons

Character and appearance

- 4. The appeal property is a bungalow in a residential area. It has been undergoing various modernisation works and has 2 fairly modest traditional dormers on the front elevation.
- 5. The disputed rear dormer was in a partially completed state when I viewed it, with the structure completed in blockwork but lacking windows or finishing materials. It extends to the full width of the bungalow and projects rearwards to join onto a single storey rear extension at a point beyond where the original rear wall of the dwelling would have been. While set down in relation to the ridge of the roof, its scale is such that it dominates the rear roof slope, appearing out of scale in relation to the original building and substantially changing its character.
- 6. Moreover, unlike the original bungalow, the dormer extension has a flat roof. While there are other flat roofed extensions in the area, the scale and positioning of this one means that it has a significant, harmful effect on the character and appearance of the building.
- 7. The location of the dormer on the rear elevation reduces its prominence from the road. Nevertheless, much of it can be seen from Rowan Avenue. There are also more distant views from Oakwood Drive, albeit partially screened by trees and planting, from where the scale of the addition is very apparent. There will also be closer views from neighbouring properties. Consequently, the harmful appearance of the addition has harmed the character and appearance of the area.
- 8. The appellant has provided details of other dormer extensions in the general area. Those on Mavis Avenue are some distance from the appeal property and are of little relevance. While Duncan Avenue is nearer, the additions the appellant highlights nevertheless have no bearing on the setting of the appeal property. Moreover, I do not have details of the background relating to the decisions to permit the Duncan Avenue dormers. Consequently, I am not persuaded that permitting dormer extensions on that road is indicative of inconsistency on the part of the Council.
- 9. For these reasons I conclude that the development has harmed the character and appearance of the area. This brings it into conflict with the design aims of Policy 10 of the Council's Aligned Core Strategy (ACS) and with Policy 43 of the Gedling Borough Local Planning Document Part 2 Local Plan, which seeks to ensure that extensions to dwellings are in keeping with the surrounding character in terms of height, built form and general design.

Living conditions

- 10. The neighbouring No 4 Rowan Avenue is a bungalow with a dormer window placed centrally on the rear roof slope. However, the orientation of that dormer window and its distance from the boundary are such that the dormer extension at the appeal property will not appear overbearing in views from it in my

judgement. The Council does not raise concerns regarding any other effect on No 4, and I saw nothing to bring me to a contrary view when I inspected the site. Overall, I find that the development is not overbearing in relation to No 4 and find no conflict with Policy 10 of the ACS or with the amenity aims within policies 32 and 43 of the Part 2 Local Plan in respect of these matters.

11. The Council does not oppose the development on the basis of any effect on living conditions at 14 Oakwood Drive, the neighbouring property to the north. The occupier of the property has raised concerns but, since I have concluded that the appeal should be dismissed for other reasons, those concerns could not alter the outcome of the appeal and I have not considered them further.

Conclusion

12. I have concluded that there is harm to the character and appearance of the area, with consequent conflict with some policies of the development plan. I have also concluded that the development does not result in harm in respect of living conditions at No 4 Rowan Avenue, and find no conflict with the relevant development plan policies in respect of that. Nevertheless, my conclusion on the first issue leads me to the view that the development is harmful and that there is conflict with the development plan as a whole. That harm is not outweighed by any of the considerations before me. Accordingly, planning permission should not be granted.
13. For these reasons I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended (Appeal A). For the same reasons, Appeal B is also dismissed.

Peter Willows

INSPECTOR