



Appeal Decision

Site visit made on 7 March 2022 by Darren Ellis MPlan

Decision by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/N3020/D/21/3287657

16 Crow Park Drive, Burton Joyce NG14 5AS

- 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 Christopher Newton against the decision of Gedling Borough Council.
 - The application Ref 2021/0476, dated 12 April 2021, was refused by notice dated 8 November 2021.
 - The development proposed is a single storey rear extension & two storey side extension replacing existing dormers.
-

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 on the living conditions of the neighbour at 18 Crow Park Drive with particular regards to outlook.

Reasons for the Recommendation

4. The appeal site contains a two-storey detached dwelling in a residential area. The proposed side extension would be constructed up to the boundary with the neighbouring property at 18 Crow Park Drive and would feature a blank gable end in close proximity to two first floor windows at No 18. One of these is a front-facing window that serves a bedroom where it is important to retain a reasonable outlook in the interests of the living conditions of the occupants. The other side-facing window would directly face the proposed extension.
 5. The Council's officer report states that the proposed extension would break a 45-degree line, however it is not clear where this line has been taken from or how much of the proposed extension projects beyond this line. Furthermore, none of the policies or documents submitted by the Council refers to or describes this 45-degree line.
 6. Nevertheless, given the scale and proximity of the extension in relation to these two windows at No 18 and, as at least one of the windows serves a habitable room, the extension would cause a significant overbearing impact to
-

and loss of outlook from these windows. Consequently, the proposed side extension would significantly detract from the living conditions of the occupants of the neighbouring dwelling at No 18.

7. No substantive details of any planning permission for the extension at No 18 itself have been provided and therefore I am unable to compare the reasons for its approval with the reasons for the refusal of the present appeal proposal. In any case, the hipped roof design of the extension at No 18 would reduce the impact on the rear windows at the appeal property. Moreover, the present case is determined on its own individual merits.
8. The proposed side extension would cause substantial harm to the living conditions to the occupants of the neighbour at No 18. The proposal would therefore be contrary to policy 10 of the Greater Nottingham Aligned Core Strategies Local Plan Part 1 (September 2014) and policies LPD32 and LPD43 of the Gedling Borough Local Planning Document Part 2 Local Plan (July 2018), which all require, amongst other things, that development does not cause a significant adverse effect on the living conditions of nearby residents or occupiers.

Other matters

9. Although the proposal would see the removal of the existing flat roof dormers which are of limited visual merit, the proposed side extension would add a considerable massing to the side of the appeal property and would significantly reduce the space between the appeal property and No 18. The removal of the dormers would therefore carry neutral weight and as such would not outweigh the harm that has been identified.
10. The Council has raised no objections to the proposed single-storey rear extension and, based on the evidence before me and what I saw during my site visit, I have no reason to disagree. However, this does not alter my conclusion on the harm that would be caused by the development as a whole.
11. I note the concerns regarding the Council's handling of the case, and in particular the time taken to validate and then determine the application. 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

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed because of the conflict with the development plan as a whole 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

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

B J Sims

INSPECTOR