



Appeal Decision

Site visit made on 20 April 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/P3040/W/21/3284981

27 Belton Drive, West Bridgford NG2 7SJ

- 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 Ahmad Al-Shammary against the decision of Rushcliffe Borough Council.
 - The application Ref 21/01567/FUL, dated 12 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is a single-storey front extension and two-storey rear extension.
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Decision

1. The appeal is dismissed insofar as it relates to the two-storey rear extension.
2. The appeal is allowed insofar as it relates to the single-storey front extension and planning permission is granted for a single-storey front extension at 27 Belton Drive, Nottingham, NG2 7SJ in accordance with the terms of the application, Ref 21/01567/FUL, dated 12 May 2021, so far as it is relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The single-storey front extension hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The single-storey front extension hereby permitted shall be carried out in accordance with the following approved plans: 27BD-2021-PL-01, 27BD-2021-PL-02, 27BD-2021-PL-03, 27BD-2021-PL-04, 27BD-2021-PL-05, 27BD-2021-PL-06 and 27BD-2021-PL-07.
 - 3) The materials used in the construction of the exterior of the single-storey front extension hereby permitted must be of similar appearance to the materials used on the exterior of the existing dwelling.

Procedural matters

3. A split decision has been made (in accordance with s79(1)(b) of the Town and Country Planning Act 1990 (as amended) allowing only part of the proposal. This has been done on the basis that this part of the development is severable from the rest of the proposal.

Main Issue

4. The Council raise no objection to the single-storey front extension. As such the main issue is the effect of the two-storey rear extension on the living conditions of the occupiers of neighbouring properties with respect to their privacy.

Reasons

5. The two existing first-floor windows on the rear elevation of the dwelling at No. 27 allow a view of the rear garden at 7 Exbury Gardens. The proposed rear extension would also have two first-floor rear windows and would project closer to No. 7, leaving a gap of around 6.5 metres to the common boundary. As the development would effectively bring the house at No. 27 much closer to the garden at No. 7, the degree of privacy in the rear garden at No. 7 would be markedly reduced.
6. The whole area is close-knit and most gardens are overlooked by other houses. Indeed, the rear garden at No. 7 is overlooked by windows from properties in addition to No. 27, such as those at the rear of No. 29, and there is a side window at No. 29 which provides a view of the rear garden at the appeal site.
7. However, these views are not direct. The rear windows at No. 29 face the garage in front of No. 7, and the side window at No. 29 faces the flank wall of No. 27. Instead, the views over neighbouring rear gardens from these windows are angled and similar to views that most houses have over their next-door neighbours' gardens; such as from No. 25 to No. 27 or No. 7 to No. 27. They are different to the view that would be provided by the rear windows in the proposal which would directly face the private rear garden at No. 7, overlooking the whole of that garden. Indeed, I saw no other comparable relationships between windows and gardens locally at my site visit.
8. A new window would be inserted into the side elevation of the existing house which would look towards No. 25 and other gardens in that direction. However, the view over the garden at No. 25 would be largely restricted by boundary planting and the roof of the conservatory. Views to the houses further away, such as No. 17, are more distant so any loss of privacy would be limited.
9. It is not disputed that the development would meet the guidance for the distance between windows. However, it is the distance between the proposed windows and the neighbour's rear garden that is the harmful aspect in this case.
10. In summary, the two-storey rear extension would markedly reduce the privacy of the occupiers of 7 Exbury Gardens and would unacceptably harm their living conditions. It therefore would fail to accord with Policy 10 of the Rushcliffe Local Plan Part 1 (2014) which states that development should not impact on the amenity of nearby residents, and Policy 1 of Local Plan Part 2 (2019) which specifically aims to ensure development does not lead to a loss of privacy.
11. Turning to the single-storey front extension, this would be modest in scale, be roughly in line with the neighbouring houses and is well designed. It would facilitate the loss of the garage, but sufficient room for off-street parking would remain at the property. This part of the proposal would comply with the aforementioned policies which require also that developments are well-designed. As this single-storey front extension is severable from the two-storey rear extension, I am able to grant planning permission for it separately.

Conditions

12. I have considered the Council's suggested conditions in so far as they relate to the single-storey front extension. I have imposed the standard commencement of development condition and the condition specifying the approved plans in

the interests of certainty. The condition relating to external materials is necessary in the interests of protecting the character and appearance of the area.

Conclusion

13. The two-storey rear extension would fail to accord with the development plan taken as a whole, but the single-storey extension would accord with the development plan taken as a whole. There are no other material considerations to suggest the decisions should be made other than in accordance with the development plan.
14. Therefore, for the reasons given above, the appeal is dismissed insofar as it relates to the two-storey rear extension, but is allowed with respect to the single-storey front extension.

Andrew Owen

INSPECTOR