

Appeal Decision

Site visit made on 26 April 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2022

Appeal Ref: APP/Q3060/D/21/3270051

65 Meadowvale Crescent, Clifton, Nottingham, NG11 9LY

- 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 Mark Arme against the decision of Nottingham City Council.
 - The application Ref 19/02673/PFUL3, dated 20 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is a balcony above extension and French doors from first floor bedroom.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development the subject of this appeal has already taken place.
3. The description of development is taken from the application form. The Council's decision notice describes the development as "retention of roof terrace above extension and French doors from first floor bedroom."

Main Issue

4. The main issue in this case is the effect of the development on the living conditions of neighbouring occupiers with regards to privacy.

Reasons

5. The appeal property is a two-storey mid-terrace dwelling. The dwelling has a single storey extension to the rear, which projects into a small garden area.
 6. The appeal property is located within a residential area characterised by the presence of two storey terraced and semi-detached houses of similar appearance. Houses tend to be rendered, have tiled roofs and are of uniform design.
 7. Dwellings are set back from the road behind small front garden and/or parking areas and this set-back, along with the presence of gardens and small areas of public open space, provides for a sense of spaciousness.
 8. During my site visit, I observed that dwellings along Meadowvale Crescent and Bournmoor Avenue, which extends to the side and rear of Meadowvale
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Crescent, have gardens to the rear which back onto one another and I noted that their pleasant garden character provides for a sense of greenery, tranquility and escape.

9. The development comprises a large roof terrace constructed above the rear extension and accessed at first floor level. The size of the roof terrace is such that it extends close to the boundaries of the appeal property's garden and consequently, it is located within very close proximity to neighbouring gardens and dwellings.
10. As a consequence of the above, the roof terrace provides for the direct overlooking of neighbouring gardens and provides for unduly dominant views towards the rear windows of neighbouring dwellings from very close by and from a prominent position. I find that this significantly impacts upon and erodes the privacy of neighbours.
11. Taking the above into account, I find that the development harms the living conditions of neighbours with regards to privacy. This is contrary to the National Planning Policy Framework; to Aligned Core Strategies Part 1 Local Plan (2014) Policy 10; and to Nottingham City Local Plan Part 2 (2020) Policies DE1 and DE2, which together amongst other things, seek to protect residential amenity.

Other Matters

12. In support of the development, the appellant refers to personal circumstances. I have taken these into account. However, whilst I recognise that the development provides outdoor space that performs an important function for the occupiers of the appeal property, I have found that in doing so, it results in significant harm to neighbouring occupiers. On balance, I find that this harm outweighs the benefits arising and hence the decision below.

Conclusion

13. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR