



Appeal Decision

Site visit made on 14 June 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2022

Appeal Ref: APP/N1025/W/21/3288723

159 Station Road, Long Eaton NG10 2EJ

- 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 Mrs Ruth Farnsworth against the decision of Erewash Borough Council.
 - The application Ref ERE/0821/0003, dated 4 August 2021, was refused by notice dated 11 November 2021.
 - The development proposed is New Build 3 Bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An application for an award of costs has been made by the appellant and is determined under separate cover.

Main Issues

3. The main issues are the effect of the proposal on:
 - Whether or not it would lead to flood risk;
 - The character and appearance of the street scene; and
 - The living conditions of the occupants of 159 and 161 Station Road with regards to outlook and sense of overbearing.

Reasons

4. The appeal site is part of the rear garden of 159 Station Road although it has been separated from it by a boundary fence. The site has a frontage onto Grange Road.

Flood risk

5. The appeal site is situated within Flood Zone 2 and the planning application was accompanied by a flood risk assessment (FRA). The Environment Agency (EA) offer only standing advice to the proposal.
6. The appellant relied on advice from the EA with regards to the proposed finished floor level (FFL) and they have included their comments based on an earlier appeal for a dwelling at the site. This advised that in light of new climate change allowance guidance and new modelled data for the River Erewash and its tributaries, a floor level should be set at a minimum of 29.81m AOD to

ensure the property is safe from the future impacts of flooding. The appellant has provided me with further information from the EA to support this appeal.

7. Despite the Council's concerns that the FFL of the dwelling are not presented with the submission, from the evidence before me, I am satisfied that an appropriately worded conditions to include the necessary flood resilience measures as suggested by the EA, can be incorporated to the property, should I be minded to allow the appeal.
8. On this basis, whilst the Council refer to the Planning Practice Guidance, no development plan policies have been sited. Therefore as such I have relied upon chapter 14 of the National Planning Policy Framework (the Framework) which seeks to ensure that developments do not increase the risk of flooding.

Character and appearance

9. The plot of 159 Station Road runs parallel with Grange Road with the garden creating a sense of spaciousness which is aided by the location of the semi-detached dwelling of Number 2/4 Grange Road, positioned away from the rear garden boundary wall.
10. The proposed dwelling would be considerably larger in scale than Number 2, to which it would more closely relate to this dwelling and the houses on Grange Road than to those on Station Road. Furthermore, it has been designed having taken a combination of design cues from houses along Grange Road. Nevertheless, its overall scale, mass and bulk would not appropriately relate to this adjacent dwelling.
11. Its front building line would sit forward of the return building line of No. 159 Station Road. Nor would it sit along the same building line as houses on this side of Grange Road as they sit in a continuous building line facing the road. As too are the houses opposite. The inconsistent building line that would arise as part of this development would not complement the very ordered arrangement visible along the street scene. The width of the dwelling when seen in views from Station Road towards Grange Road would further emphasise the distortion that would be created.
12. The proposal would erode the spaciousness between plots that the existing garden creates. Whilst there would be space between the side of the dwelling and Number 2, nonetheless, the space here would lead to fragmented built development on a street scene with a consistency of in the main, pairs of semi-detached houses with limited gaps between. The small gap that would remain would appear as uncharacteristic. Therefore, the proposal would not have sufficient regard to local context.
13. The proposed location of the dwelling within the plot offers no garden space to the rear. Rear gardens are a defining characteristic of the local area as the local pattern of development is houses facing the road with gardens behind. The omission of such would lead to further uncharacteristic development.
14. Therefore, as a combination of its position in the plot, poor integration with dwellings along Grange Road, design, scale and massing, the proposal would not positively contribute to the street scene, but instead negatively lead to visual intrusion.

15. Therefore, the proposal would not meet the expectations of Erewash Core Strategy Policy 10 and Erewash Local Plan Saved Policy H12 and Section 12 of the Framework in their combined aims to achieve good design.

Living conditions - No 159 Station Road

16. As a consequence of the proposal's bulk and location on the plot, it would fill a wide area of the space and be located within very close range to the boundary fence with the neighbour, and seen above it.
17. The remaining rear garden space is the only functional and private garden space associated with No 159. The proposed development on the site with limited articulation to the gable elevation would appear overbearing when viewed from their garden. Therefore, the living conditions of the occupants of No 159 would not be safeguarded.
18. The appellant has presented details of the internal ground floor space of No 159. When observing the windows to the ground floor of the dwelling and taking into account the internal layout, I am not of the view that the outlook from these rear facing windows, even at the proposed separation distance, would be detrimentally compromised by the proposal.

Living conditions - 161 Station Road

19. Number 161 Station Road has been extended to the rear by virtue of a long single storey extension. Side windows and a door face over the existing boundary wall and are positioned very close to it, with a narrow passage in-between.
20. Only the side door would directly overlook the proposed dwelling. I could see from my visit that a series of roof lights and a further rear door leading to the garden are included in the extension. Given there is a number of openings, and even though the proposed dwelling would be close to the neighbouring extension, I do not consider the internal space would suffer from a significantly reduced level of light or outlook to its occupants.
21. Despite the objector's concerns, the garden area would not be detrimentally compromised by the proposal due to the relationship between the two. Neither do I consider their privacy would be sufficiently affected to the extent that their living conditions would be detrimentally compromised.
22. There are first floor windows to the return of this dwelling that faces over the appeal site and a single window perpendicular to these at first floor within the main dwelling. There is no evidence provided from the Council to demonstrate that the proposed dwelling would sit within 45 degrees of specifically identified windows. Taking into account the positioning of the proposed dwelling and from my observation of the relationship between it and these windows, it would not cause a loss of outlook or sense of overbearing to the occupants.
23. I have taken into account the objector's concerns. Overall, I am not convinced that the living conditions of the occupants of this dwelling would be adversely compromised by the proposal.
24. To conclude on this main issue, I have found no harm to the living conditions of No 161 as a consequence of the proposal. However, I have found detrimental harm would arise to the living conditions of occupiers of No's 159 by way of a

sense of overbearing from the rear garden. Accordingly, the proposal would fail to comply with Policy 10 of the Erewash Core Strategy 2014 and the Framework which both seek to ensure that developments do not impact on the amenity of nearby residents.

Other Matters

25. The appellant points me to planning approvals for housing schemes that they consider the circumstances to be similar to the proposal before me. However, without precise information on these developments to compare the context and circumstances of, I am not in a position to be able to pass comment on comparisons.
26. The appellant raises issues with the approved extension at No 161 and its relationship with No 159. However, any concerns they have should be referred to the Council in the first instance and does not have a direct bearing on the proposal before me.
27. The appellant comments on a historic covenant at 2 Grange Road. This is not a material planning consideration for me to take into account as part of my assessment.
28. Even though there is a recognised national demand to build new homes, that does not say that this should be allowed at the expense of unacceptable development.
29. Concerns over how the Council processed the planning application is not a matter for me within the context of this appeal and should be referred to the Council.

Conclusion

30. I have found the development would lead to no risk to flooding, or harmful impact to the occupants of Number 161 Station Road. Nevertheless, the proposal would harm the living conditions of neighbouring occupiers at 159 Station Road and therefore harm which would lead to conflict with the development plan and to which I afford substantial weight. There are no material considerations worthy of sufficient weight that indicate a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

Alison Scott

INSPECTOR

