



Appeal Decision

Site visit made on 01 June 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH July 2022

Appeal Ref: APP/P3040/D/22/3294818

245 Loughborough Road, West Bridgford, Nottingham NG2 7EG

- 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 S Rahman against the decision Rushcliffe Borough Council.
 - The application Ref 21/02870/FUL, dated 28 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is 'Raise roof to form 3rd storey; Single storey rear extension; Single storey front extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended from "*proposed extension to 245 Loughborough Road, West Bridgford*" following submission of the application; I have utilised the amended description.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and surrounding area,
 - The effect of the proposal on the living conditions of occupiers of neighbouring property; particularly 243a and 247 Loughborough Road; and,
 - The effect of the proposal on protected and priority species.

Reasons

Character and appearance

4. The appeal site is a detached two storey dwelling situated on the A60 Loughborough Road, a main arterial route leading through West Bridgford into central Nottingham. The Loughborough Road section of the A60 spans an extensive distance, leading through mixed commercial and residential areas, into predominantly residential suburbia and out into the surrounding rural area.

As such, the character of the Loughborough Road varies along its route in respect of its grain and building types, scale and design.

5. The appeal site is situated within the predominantly suburban part of the Loughborough Road. There is a turn in the suburban stretch of the Loughborough Road, creating two separate street scenes. The street scene within which the appeal site is situated predominantly comprises of circa early C20th dwellings. The grain of development is regular and there is a fairly consistent building line, which is setback from the road, creating a sense of openness. Whilst there is variety in the detailed design of the dwellings within this street scene, there is nonetheless a vernacular style created by use of common two-storey building types and architectural features, as well as the uniformity created by the grain and building line. The appeal site is typical of, and contributes to, the local vernacular style.
6. The appeal proposal seeks permission for an additional storey to the existing building, to create a three-storey dwelling. Whilst the additional storey would be within the original built footprint of the building and it would have similar proportions to the existing two storeys, it would fundamentally alter the overall proportions of the dwelling and would result in the alteration or loss of those common architectural features which integrate the dwelling within the local area, and which contribute to the local sense of place. The additional storey would not be subservient to the host building, and despite the setback from the road, would introduce a prominent, massive and incongruous form into the street scene.
7. The Appellant has referred to several examples of other development within the A60 Loughborough Road or wider vicinity which highlight either variance in detailed design or which are larger, more modern buildings such as blocks of flats. Whilst these examples demonstrate the variance of character along Loughborough Road and its surrounds, they do not address the immediate character of the street scene or the appeal site. Although there is variance within the street scene, as described above, the appeal proposal would nonetheless appear discordant and prominent within its immediate context. None of the examples are particularly similar development to the appeal scheme in any case.
8. For these reasons, the appeal scheme is not of a high quality of design and it would fail to respond to local character, contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Local Policies (CSLP), adopted in 2014, and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP), adopted 2019, as well as the Framework. These policies seek, amongst other things, development which is sympathetic to local character.

Living conditions

9. Other than the modest single storey extensions, the appeal scheme would not project beyond the existing built footprint of the original dwelling and the additional storey would be a vertical extension. Given the side-to-side relationship with the neighbouring properties nos 243a and 247 Loughborough Road, the additional third storey would not project beyond the front and rear walls of the neighbouring dwellings.

10. However, the properties are in relatively close proximity to their shared boundaries, and therefore the increased height of the appeal scheme would have an overbearing impact on the neighbouring properties.
11. Whilst the existing dwelling features rear elevation windows, the greater height of the proposed new windows would create opportunities for additional overlooking of the private rear garden area of neighbouring properties and would therefore have an adverse effect on the privacy of neighbouring occupiers. I acknowledge the Appellant's suggestion that the windows could be obscure glazed and non-opening, however, as the two of the windows would serve a bedroom this would create poor living conditions for future occupiers of the development and therefore would not overcome the harm in respect of living conditions.
12. As the scheme would not project beyond the existing first floor except in a vertical direction, the potential for overshadowing of the neighbouring properties is somewhat, but not altogether, limited. The increased height of the building would create a longer shadow which has the potential to overshadow the garden areas of the neighbouring properties; particularly no. 243a in the afternoons.
13. For these reasons, the appeal scheme would have an unacceptable adverse impact on the living conditions of the neighbouring properties, contrary to Policy 10 of CSLP and Policy 1 of the LPP, as well as the Framework. These policies seek, amongst other things, adequate living conditions and avoidance of adverse effects on the amenity of occupiers of neighbouring properties.

Protected and priority species

14. The verdant nature of the surroundings indicates the roof space could provide an attractive roosting area for bats.
15. By reason of the scale and scope of the proposed works, the development would disrupt the roof space and potentially adversely affect any bat roosts. This would constitute a significant adverse effect upon a protected species.
16. Given that it is not possible to identify the effect of the development upon the bat population, it is therefore equally not possible to state the type and scale and mitigation that would be required. As a result, it is not possible to draft a planning condition of sufficient precision to require a survey into bats to be carried out and, if necessary, to secure mitigation.
17. I therefore conclude that the proposed development would have an adverse effect on a protected species. The development, in this regard, would conflict with Policy 38 of the LPP. This policy requires, amongst other things, all developments preserve, restore and re-create priority habitats and the protection and recovery of priority species.

Other Matters

18. I note concerns raised by the appellant regarding the manner in which the Council considered the planning application. However, in assessing this appeal, I have limited my considerations to the planning matters before me.
19. I acknowledge that the appeal site would not benefit from permitted development rights for vertical extensions.

20. I also note that an appeal for a similar scheme at the appeal site was previously dismissed (APP/P3040/D/21/3268449). I have determined this appeal on the basis of its own merits, and I have concurred with the Inspector for the previous appeal in respect of similar or overlapping issues.

Conclusions

21. For the reasons stated above, I find that the proposal would harm the character and appearance of the area, the living conditions of the occupiers of neighbouring properties and protected and priority species. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Kim Langford Tejrar

INSPECTOR