
Appeal Decision

Site visit made on 11 July 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/J3015/D/22/3298978

116 Derby Road, Bramcote NG9 3HP

- 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 Darren Hurrell against the decision of Broxtowe Borough Council.
 - The application Ref 2021/01005/FUL, dated 2 December 2021, was refused by notice dated 1 April 2022.
 - The development proposed is a 'two storey side/rear extension, dormer to rear elevation and detached outbuilding ancillary to main dwelling'.
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Decision

1. The appeal is dismissed in so far as it relates to the two storey side/rear extension and dormer to rear elevation.
2. The appeal is allowed in so far as it relates to the detached outbuilding ancillary to main dwelling and planning permission is granted in accordance with the application Ref. 2021/01005/FUL, dated 2 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall take place in accordance with the following approved plans (in so far as they relate to the detached outbuilding):

Drawing Number D301Rev A (Site Plan)

Drawing Number D101 Rev A (Outbuilding Plans and Elevations)
 - 3) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 116 Derby Road, Bramcote NG9 3HP.

Procedural Matter

3. I have taken the description of the proposed development from the Council's Decision Notice rather than the Application Form as it is more accurate.

Main Issue

4. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of No. 114 Derby Road with particular regard to outlook.

Reasons

5. The appeal relates to a large detached house which sits in a row of other detached dwellings. The proposal seeks to replace an existing single storey outbuilding to the rear of the dwelling which runs along the boundary shared with No. 114 Derby Road with a two storey structure, connecting to the main building.
6. The proposal also includes a detached outbuilding which would be introduced to the bottom of the garden. The Council raises no issue with this element of the scheme. I agree that the siting, scale and design of the proposed outbuilding is acceptable and given the presence of mature landscaping to the boundaries, which would be retained, I am satisfied that it would not harm the living conditions of the occupiers of nearby dwellings in any way. With a condition to ensure the outbuilding is used only for purposes ancillary to the main dwelling, as suggested by the Council, planning permission can be granted for this element of the scheme.
7. The existing single storey outbuilding projects a significant distance along the shared boundary, well beyond the single storey extension added to the rear of the dwelling at No. 114. To my mind, replacing this outbuilding with a two storey structure projecting some 2.5 metres further rearwards would significantly increase the overall scale and massing of built development along the boundary. The proposed extension would not cause overlooking issues into the rear garden of No. 114 because the only openings on the related side elevation would be high level rooflights. Nevertheless, the enlarged outbuilding, due to the increased rearward projection, increased height and increased overall bulk, would be much more imposing when viewed from the rear of this neighbouring dwelling. In my view, the effect would be unduly oppressive and would unacceptably harm the outlook from the patio area of No. 114.
8. There is no dispute that the rear garden of the appeal dwelling is sizeable and could comfortably accommodate the development proposed. I also accept that the extension would not harm the living conditions of the occupiers of any other surrounding dwellings due to the generous separation distances involved. I also note that only one tree would have to be removed which is of limited amenity value. Nonetheless, these are neutral factors in the overall planning balance.
9. I appreciate the proposal would provide additional living space and fulfil a need for a lifetime home. However, nothing I have seen or read suggests that additional space could not be provided in an alternative manner which would not have such an imposing impact on the occupiers of No. 114 Derby Road.
10. I am also mindful that the Council's Officers recommended permission should be granted. Nevertheless, for the above reasons, I conclude that the proposed extension would unacceptably harm the outlook from the rear of No. 114 Derby Road. As such, it conflicts with policy 10 of the Council's adopted Aligned Core Strategy and policy 17 of Part 2 of the Council's adopted Local Plan which seek to safeguard satisfactory levels of residential amenity for nearby residents. The arguments advanced by the Appellant in favour of the extension do not outweigh this harm and policy failing therefore this element of the appeal does not succeed.

11. As the proposed outbuilding is acceptable in all respects, complies with the above development plan policies and is physically and functionally separate to the extension, a split decision can be issued. Planning permission can therefore be granted for this element.

David Fitzsimon

INSPECTOR