
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/W/22/3296964

199A Newlands Cottage , Main Street, Newthorpe, Nottingham, Nottinghamshire NG16 2DL

- 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 Richard Maher against the decision of Broxtowe Borough Council.
 - The application Ref 2021/00400/FUL, dated 7 May 2021, was refused by notice dated 11 April 2022.
 - The development proposed is a garage/workshop for vehicles
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the local area.

Reasons

3. The appeal relates to land within the curtilage of a detached dormer style property with a shallow roof pitch. It sits in a 'backland' position behind the dwellings of 199 and 203 Main Street which front the highway.
4. The proposal seeks to erect a detached building to the front of the appeal dwelling. According to the submitted plans, the proposed building would have a large footprint, being 7.6m wide by 9.4m long. With an eaves height of 4m and a ridge height of 8m, it would also be very tall.
5. The proposed building would sit in a corner of the appeal site immediately against the rear boundary of No. 201 Main Street and the side boundary of No. 199 Main Street. It would be sited at the bottom of the gardens of these two properties and the separation distance with the dwellings themselves. Despite the overall height of the building, against this setting, I am satisfied that it would not unduly harm the outlook from these properties and would not cast excessive shadow. As the only opening above ground level other than high level rooflights would be a set of French doors with a Juliet balcony facing the host dwelling, I am also satisfied that it would not cause undue privacy issues for nearby residents.
6. Nevertheless, the proposed garage/workshop would be noticeably taller than the host dormer bungalow and it would appear disproportionately large. It would be oversized and given its position in front of the dwelling, it would be

unduly dominant rather than submissive, as explicitly required by policy 17 of Part 2 of the Council's adopted Local Plan (LP). Whilst some large dwellings are present within the immediate locality, I saw no ancillary buildings of a size comparable to that of the proposed building. As a result, the harmful visual effect would conflict with the well ordered arrangement and hierarchy of nearby buildings and therefore would harm the character and appearance of the local area.

7. The Appellant's lengthy submissions focus on the manner in which the Council determined the application rather than the merits of the proposal. Indeed, the Appellant states the *'appeal is as much about the failure of process as the application itself'*. However, the manner in which the application was processed by the Council, as opposed to the actual decision taken, is not a matter for me to consider.
8. In reaching my decision, I am mindful that third parties have raised a number of additional concerns including matters relating to highway safety and the future use of the proposed building. I must determine the proposal as it is presented, which is for a garage/workshop ancillary to the main dwelling. On this basis, I see no reason why it should result in a material increase in the amount of vehicular traffic generated by the appeal property. Similarly, the renting out of part of the building as living accommodation or its use for commercial activity (beyond a scale which is incidental to the residential use of the main dwelling) would require planning permission and neither option is before me.
9. For the above reasons, I conclude that the proposed garage/workshop would be disproportionately large in relation to the host dwelling and would harm the character and appearance of the local area. As such, it conflicts with policy 10 of the Council's adopted Aligned Core Strategy and policy 17 of the LP which promote high quality design that integrates into its surroundings. The arguments advanced by the Appellant in favour of the scheme do not outweigh this harm and policy failing therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR