
Appeal Decision

Site visit made on 2 August 2022

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10TH August 2022

Appeal Ref: APP/Q3060/D/22/3301083

12 Hartington House, Hartington Road, Nottingham NG5 2GU

- 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 B Heera against the decision of Nottingham City Council.
 - The application Ref: 22/00533/PFUL3 (PP-11109265), dated 10 March 2022, was refused by notice dated 5 May 2022.
 - The development proposed is a two and single storey extension to the rear and side of the existing dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for a two and single storey extension to the rear and side of the existing dwelling at 12 Hartington House, Hartington Road, Nottingham NG5 2GU in accordance with the terms of application 22/00533/PFUL3 (PP-11109265), dated 5 May 2022, and subject to the following conditions: -
 - a) The development hereby permitted shall begin no later than three years from the date of this decision.
 - b) The development hereby permitted shall be carried out in accordance with the following submitted plans: (i) location plan shown on plan ref. SC/OB/30/11/20/01 and (ii) site plan, proposed plans and elevations ref. SC/OB/30/11/20/01 Rev F/13/12/21.
 - c) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposed development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of adjoining properties in terms of privacy, daylight, sunlight, and outlook.

Reasons

Character and appearance

3. The appeal property is a detached, two storey dwelling set in a landscaped, suburban area with a tree lined road. It is set back from the road and with a

relatively large amenity area to the front and with additional amenity space to the side and rear. Adjoining properties are large dwellings within a similar setting and with individual designs. There are dwellings to the rear, separated from the appeal dwelling by their own rear amenity spaces.

4. The proposed development includes a single storey side extension, set back from the existing front elevation of the host dwelling and which continues round to the rear of the property where it joins a proposed two storey addition to an existing two storey elevation to the house.
5. When viewed from Hartington Road, the proposed single storey side extension would be seen with its pitched roof, set towards the rear of the side elevation. By its limited height and floor area in relation to the host dwelling it, would form a proportionate addition, in character with the area.
6. The proposed two storey rear extension would be an addition to the existing two storey rear gabled part of the existing dwelling. Its external form would largely follow that of the existing part of the dwelling to which it would be attached and would include windows to match those on the rear elevation of the dwelling. While the extension would take up some of the rear amenity space, there would remain an adequate, rear open area. I consider that the two-storey extension would be acceptable in terms of its design and would not cause harm to the character and appearance of the area.
7. My attention has been drawn to an extant permission, under construction, for a two-storey side extension and single storey rear extension, allowed on appeal¹. I have taken this into account in my determination of the current appeal in relation to the effect of the development upon the character and appearance of the area.
8. I conclude that the proposed development would comply with Nottingham Local Plan Part 2 (2020) (LP) policies DE1 and DE2 which require new development to have a high design quality which respects and enhances the streetscape, local environment and the character of the area. It would not adversely affect the Greater Nottingham Aligned Core Strategy Part 1 Local Plan (2014) (ALP) which requires development to make a positive contribution to the public realm and sense of place.

Living conditions

9. The two-storey rear extension would be close to its eastern boundary with No. 10 Hartington Road, with a bedroom window overlooking the abutting, proposed single storey element. I find that, because of its layout and siting in relation to the adjoining property, the proposed development would not have a materially adverse impact upon the occupants of the latter in terms of privacy or outlook. On my site visit, I was able to observe high hedging on the boundary between the two properties. There is no quantitative daylight or sunlight assessment before me. Nonetheless, given the size, position and orientation of the proposed extension when compared to the existing effect of the host dwelling, I find that any adverse impact upon daylighting and sunlight to No. 10 Hartington Road would be limited.

¹ ref. 14/00034/PFUL3

10. Towards the western boundary of the host building with 14 Hartington Road, the local planning authority (LPA) has referred to a two-storey extension which was allowed on appeal. Nevertheless, while it has not been completed, it has planning permission and is capable of being completed. The current two storey part of the appeal proposal would be close to the boundary but further away from it than the extant permission, albeit in a different location relative to the adjoining property. The appeal proposal, with a bedroom window facing No 14 Hartington Road, would offer a view over its rear garden, but this would be in the context of its large amenity spaces elsewhere. On my site visit, I was able to observe the existing boundary fence with a height of approximately 2 metres which provides privacy at ground floor level.
11. In the circumstances above, I consider that any loss of privacy would not be significant, nor would there be any material overbearing effect for the occupants of no. 14 Hartington Road. For the same reasons applicable to my findings relating to Number 10 Hartington Road, I consider that there would be also no undue loss of daylight or sunlight.
12. To the north, the appeal proposal would be close to its boundary with the adjoining property on Burlington Road. Windows in the proposed upper floor of the two-story element would serve a bathroom and a dressing room. Obscure glass is proposed which would ensure an adequate degree of privacy for the occupiers of the neighbouring property. So far as any loss of daylight or sunlight is concerned, the additional development might result in some limited loss to the neighbouring property/land, although this would not result in material harm in the context of the impact created by the existing host property.
13. The property to the rear of the appeal building has a greater mass and is set at a higher level. Consequently, the appeal proposal would not have an overbearing impact upon the occupants of the property to the rear.
14. Therefore, and for the above reasons, I conclude that the proposed development would accord with the requirements of LP policy DE1 and with ALP policy 10, both of which require that development shall provide a satisfactory level of amenity to the occupiers of neighbouring properties.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR