



Appeal Decision

Site visit made on 3 May 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/P3040/D/22/3292248

60 Firs Road, Edwalton NG12 4BX

- 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 Vince Fakey against the decision of Rushcliffe Borough Council.
 - The application Ref 21/02439/FUL, dated 17 August 2021, was refused by notice dated 26 January 2022.
 - The development proposed is described as "Refurbishment and extension of existing detached property comprising a single storey rear extension, attic conversion and additional gable features".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description in the header above is taken from the application form. It does not however include the two-storey side and rear extensions shown on the submitted plans. The description of development on the appeal form states the reason for refusal and does not describe the proposal. For the avoidance of doubt, I have considered the appeal based on the development shown on the submitted plans.
 4. The appellant's statement includes details of an email exchange regarding further amendments to the scheme, dated 12th December 2021. Additional images of axonometric (revision P3) and 3D drawings are included. However, no amended elevations or floor plans are shown, and the Council refers to these as draft revisions. Furthermore, the drawings themselves (rather than images) have not been provided as part of this appeal and they are not included on the list of plans considered by the Council when it determined the application. Nor do I know whether they were subject to any public consultation. My assessment is therefore based on the drawings submitted with the appeal and listed by the Council, as to do otherwise would prejudice parties who would not have had the opportunity to comment on the revisions but may have wished to do so.
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Main Issue

5. The main issue is the effect on the living conditions of the occupiers of 62 Firs Road with particular regard to outlook and light.

Reasons for the Recommendation

6. The appeal site contains a two-storey detached dwelling in a residential area. Two previous permissions have been granted for extensions and alterations and I have been provided with the plans for one of those, dated June 2020. The Council's officer report provides a description of the differences between this proposal and a previously approved scheme.
7. The proposed two-storey rear extension would be constructed with a side-facing gable end approximately 2m from the boundary with the neighbouring property No 62 and would project a substantial distance beyond the rear elevation of that property, which includes a small conservatory. It would also feature a rear gable element. It would therefore present a substantial area of wall in close proximity to the conservatory and the rear garden area of No 62, with the gable feature adding further bulk, albeit set in slightly further from the boundary. Due to their scale, roof form and proximity, these elements would be visually intrusive and would have a significant overbearing impact when viewed from these parts of No 62, significantly and harmfully reducing the outlook from these areas.
8. Furthermore, the additional bulk and massing at first floor level resulting from the two-storey extension would result in increased overshadowing of the conservatory and part of the rear garden of No 62 compared to the existing situation. While the appellant refers to having provided a solar assessment of the proposal, no such study has been submitted as part of the appeal. Consequently, the proposed extension would significantly detract from the living conditions of the occupiers of No 62 in respect of light.
9. The proposed front extensions and alterations would add massing at first floor level slightly forward of No 62, however given the separation distance from the nearest windows and the absence of side windows in No 62 this would not have a significant effect on outlook from those parts of that property. It could result in greater shading compared to the existing front dormer however this would be slight, and would not have a significant adverse effect on light reaching No 62. The part of the proposed single-storey rear extension nearest No 62 would not be significantly larger than the existing and as such would not result in harm to the living conditions of the occupiers of that property in respect of outlook or light. The lack of harm in these respects is however a neutral factor in my consideration.
10. The previously approved plans provided show a two-storey rear extension in a similar location but of different form to the scheme before me, with a hipped roof and more modest rear dormer with hipped roof. Consequently, while that scheme would also project past the rear of No 62, the roof form would have less impact on outlook and light to No 62 than the appeal proposal. That approval does not therefore justify the harm I have identified.
11. The recent, substantial dwelling at No 58 is close to the host dwelling and projects significantly beyond its first-floor rear elevation. However, the nearest first-floor window in No 60 is obscure-glazed and serves an en-suite, which is

not a habitable room. The existing single-storey rear extension at No 60 also projects further to the rear than No 58. Consequently, the relationship between the appeal property and the dwelling at No 58 is markedly different from that between the appeal property and No 62. This relationship does not therefore justify the harm I have identified.

12. Accordingly, while some elements of the proposal would not result in significant adverse effects, the proposed two-storey side extension and associated rear gable feature would cause significant harm to the living conditions to the occupiers of No 62 in respect of outlook and light. The proposal would therefore be contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (CS) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019), which both require, amongst other things, that development does not cause a significant adverse effect on the living conditions of nearby residents or occupiers. Therefore, the proposal would not benefit from the presumption in favour of sustainable development set out in CS Policy 1.
13. The proposal would also be contrary to the guidance in paragraph 130(f) of the National Planning Policy Framework which requires development to have a high standard of amenity for existing and future users.

Other matters

14. The street scene consists of a variety of building designs and materials. Both the existing property and the proposed alterations would be in keeping with the surrounding properties. I also note that the front elevation would be altered anyway, if either of the previously approved schemes are implemented. Therefore, the proposal would preserve rather than enhance the street scene.
15. The proposal could result in small biodiversity gains if a green roof were used, and could improve the thermal efficiency of the dwelling, however in the absence of any detailed information in this respect I can give these potential benefits very limited weight. Overall, the benefits of the scheme would not outweigh the harm that has been identified.

Conclusion

16. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

L McKay

INSPECTOR