



Appeal Decision

Site visit made on 19 July 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/N1025/W/22/3295702

Land to the rear of 36 Portland Road, Sawley, Nottingham NG10 3FL

- 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 Danny Jackson against the decision of Erewash Borough Council.
 - The application Ref ERE/1121/0064, dated 22 November 2021, was refused by notice dated 3 March 2022.
 - The development proposed is the erection of a detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether appropriate living conditions would be provided for future occupiers of the proposed dwelling and maintained for neighbouring occupants, with particular regard to garden area, privacy and light.

Reasons

Character and appearance of the area

3. The appeal site was formerly part of the rear garden of 36 Portland Road but now forms a separate parcel of land accessed off a short highway spur that provides vehicular access to a few existing dwellings. The site is unused and overgrown.
4. Whilst there is some variation to the design of properties on Portland Road, the predominant character comprises two-storey semi-detached, hipped roof dwellings of similar proportions. They are set back from the road with small front gardens and have a generally consistent building line except for corner plots and a limited group of dwellings set behind a grass verge. The dwellings that front onto the short highway spur, from which the proposal gains access, form a continuation of the line of dwellings along one side of the stretch of Portland Road that joins with Draycott Road.
5. The proposed bungalow would be sited to the rear of No 36, projecting out to the side and occupying a central position at the end of the stretch of Portland Road off Draycott Road. It would be prominent in such views, even if the mature boundary planting is retained.

6. The absence of windows and the extent of blank brickwork on the elevation facing towards the street would be in marked contrast with the appearance of the surrounding houses. Moreover, the proposed backland form of development would give rise to a cramped appearance at odds with the prevailing character of the area, due to the limited space around it and its close proximity to the rear of No 36. It would have a jarring and unacceptable relationship with the street scene which would be harmful to the character and appearance of the area. Such harm is not reduced by it being sited broadly in line with the existing dwelling to the rear, which is accessed off a different road and does not form a key component of the appeal site context.
7. Therefore, the proposal would cause unacceptable harm to the character and appearance of the area, contrary to the design aims of Policy 10 of the Erewash Core Strategy (CS), Saved Policy H12 of Erewash Borough Local Plan (LP) and the National Planning Policy Framework.

Living conditions

8. The Council consider that the resulting garden area for No 36 and the development would be inadequate. I consider that both garden areas, although not extensive, would provide sufficient space to be utilised and enjoyed by the occupants of the respective property for incidental purposes, such as play, sitting out and drying laundry. As such the quantity of space is appropriate for the existing dwelling as well as the proposed.
9. The rear windows of No 36 would look towards the rear garden of the proposed dwelling over the rear garden of No 36 and the driveway of the proposed dwelling. Overlooking of rear gardens is typical and accepted within most residential areas. In this case the distance attained, when the driveway of the appeal property is factored in, is similar to that between the existing dwellings on the corner opposite No 36 and the properties they back onto. As such a comparable level of overlooking already occurs in this area.
10. The separation distance that would be achieved from first floor windows of No 36 and the development would ensure that the degree of overlooking and loss of privacy would not be so unacceptable to justify dismissing the appeal on these grounds. The erection of a suitable boundary treatment, which could be secured by condition, would prevent overlooking from ground floor windows of No 36. The relationship between No 36 and the development is acceptable, therefore.
11. Concern has been expressed about the potential loss of privacy enjoyed by occupants of 32 and 34 Portland Road. The development includes windows on the elevation looking toward the windows in the front elevations of these dwellings. However, the windows already experience some passive overlooking given that they front onto a road, notwithstanding that they are sited on a spur off the main carriageway. In such circumstances the development would not materially and unacceptably reduce levels of privacy.
12. The development is single storey with a hipped roof that reduces the overall bulk and massing of the building. Given the scale of the development and the separation distance that is achieved the occupants of No 32 and 34 would not experience an unacceptable loss of daylight or sunlight.

13. Taking the factors set out in the preceding two paragraphs into consideration I conclude that the effect of the development on the occupants of No 32 and 34, having regard to privacy and light, would be acceptable.
14. The occupants of 292 Tamworth Road would not experience an unacceptable loss of light as the proposal is located to the side of that property. Its main outlook is to the front and rear and would largely be unaffected by the proposed building.
15. Any noise or disturbance during construction would be for a temporary period only and the effects could be appropriately controlled by condition.
16. Accordingly, the proposal would provide appropriate living conditions for future occupiers of the proposed dwelling. It would also maintain appropriate living conditions for neighbouring occupiers. This would be compliant with Policy 10 of the CS and Saved Policies H12 and DC1 of the LP which seek to ensure that there is no detrimental effect on residential amenity of adjacent properties from new development.

Other Matters

17. I have had regard to other matters raised including flood risk, the impact of the widening of the highway and provision of additional parking on the accesses to existing properties, and highways safety. However, I have not pursued these matters further as I am dismissing the appeal.

Conclusion

18. Whilst I have found that the proposal would provide and maintain appropriate living conditions this does not outweigh the harm to the character and appearance of the area that I have identified. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
19. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR