



Appeal Decision

Site visit made on 6 September 2022 by Andreea Spataru BA (Hons) MA

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/P3040/D/22/3298529

5 Wayte Court, Landmere Lane, Ruddington NG11 6NL

- 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 Bhatia against the decision of Rushcliffe Borough Council.
 - The application Ref 20/03005/FUL, dated 24 November 2020, was refused by notice dated 10 March 2022.
 - The development proposed is described as an "addition of a first floor to part of the single storey dwelling in order to provide two new bedrooms with en-suites to the property."
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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.

Main Issues

1. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at paragraphs 140 and 150, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. It is common ground that the proposed extension would not result in a disproportionate addition to the original dwellinghouse, and I have no reason to disagree with that view.
2. Therefore, the main issues are the effect of the proposal on:
 - the character and appearance of the host dwelling and the street scene; and
 - the living conditions of the occupiers of neighbouring property, 8 Wayte Court, with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

3. The appeal dwelling is part of a group of residential properties, of one or two storeys, which forms a trapezium that hosts four internal courtyards. The appeal dwelling sits at the entrance to the courtyards. The neighbouring property, 8 Wayte Court, is also located at the entrance, directly opposite the
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appeal property. Both of these dwellings are single storey, and their appearance is similar, thus there is a pleasant symmetry at the entrance to the courtyards that contributes positively to the character and appearance of the street scene and surrounding area.

4. The proposal seeks to introduce a first-floor extension to the eastern side of the appeal dwelling. It would have a hipped roofed and would project along the full length and width of the eastern wing of the host dwelling.
5. The extension, due to its height and depth, would add significant mass and bulk to one side of the host dwelling. However, this would be an inevitable consequence of an additional storey of accommodation. That said, the most significant factor is that the proposal would unbalance the symmetry of the properties at the entrance to the courtyard complex either side of Wayte Court. In my view, this would be detrimental to the overall character and appearance of the street scene.
6. In addition to the above, the proportions of the dwelling would be further affected by the inconsistency in the arrangement of the openings, as the proposed first-floor windows on the eastern elevation would not match the size and alignment of the existing ones. This would have a further negative impact on the character and appearance of the host dwelling and the street scene.
7. In coming to that view, I acknowledge that there are other two-storey properties within proximity, including the two-storey element of neighbouring property No.4, which sits at the north-western corner of the group of buildings. However, I find that the symmetry in scale at the courtyards' entrance provides a stronger context for the appeal dwelling and this is the determinative factor in this appeal.
8. Accordingly, I conclude that the proposal would be detrimental to the character and appearance of the host dwelling and of the street scene. Therefore, the development would be contrary to Policy 10 of the Rushcliffe Local Plan Part 1 Core Strategy 2014 (CS) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LP), which together require, amongst other matters, developments to be sympathetic to the character and appearance of the neighbouring buildings and surrounding area through their scale, height, massing and design. It would also be at odds with the overarching design aims of the Framework.

Living conditions

9. Given the siting of the first-floor extension on the eastern side of the host dwelling, the proposal would have the potential to impact on the living conditions of the occupiers of its closest neighbour, No.8, which has a private amenity space to the south-east of the appeal property.
10. The extension would have three windows on its eastern elevation. Two of them would serve bathrooms and the third, the closest one to the neighbours' amenity space, would serve a bedroom. This bedroom would have two windows, the other being on the western elevation, overlooking the garden of the appeal property. The western window of the proposed bedroom has been found acceptable in terms of overlooking levels by the Council, thus the issue relates to the eastern window of the bedroom.

11. Due to the close proximity of the extension to the amenity space of property No.8, the eastern window of the proposed bedroom would undoubtedly increase the levels of overlooking. However, I note the appellant's suggestions regarding this window, which include the imposition of a condition to ensure that the window is either partially or fully fixed and obscurely glazed. There is a willingness to remove this window completely through another planning application.
12. Given that the bedroom would be served by two windows, the overlooking issue could be mitigated through the use of a condition. Therefore, subject to an appropriately worded planning condition, the development would not adversely affect the living conditions of the occupiers of No.8.
13. Consequently, the proposal would not conflict with Policy 1 of the LP or Policy 10 of the CS, which together require, amongst other matters, that developments do not have an adverse effect upon the residential amenity of adjoining properties or the surrounding area.

Other matters

14. I have had regard to the fact that planning permission has been previously granted for a similar development on the same site in 2009¹, although it is common ground that permission has not been implemented. I am conscious that this permission was considered under a different set of development plan policies. This permission also predates the Framework which, since being first introduced in 2012, highlighted the importance of achieving well-designed places. Whilst this historical permission weighs in favour of the proposal, to my mind, it does not provide a compelling reason to grant planning permission which is otherwise unacceptable when considered against current planning policy.
15. Finally, I note that the appellant has not been satisfied with the Council's approach during the application process. However, this is away from the planning merits of the proposal.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR

¹ LPA ref: 09/01356/FUL