



Appeal Decision

Site visit made on 15 September 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/N3020/D/21/3280352

7 Thetford Close, Arnold NG5 6PH

- 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 Benjamin Baguley against the decision of Gedling Borough Council.
 - The application Ref 2020/1129, dated 9 November 2020, was refused by notice dated 14 May 2021.
 - The development proposed is first floor addition added to existing ground floor extension. Increase bedroom size.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appellant's evidence a sunlight and daylight report has been provided. However, the Council nor third parties have had the opportunity to comment on the report. As such, and in the interests of fairness I have not considered the report as part of my findings to avoid prejudice to the parties.
3. The appellant disputes the dimensions within the officer's report. I have considered the scheme on the basis of the submitted plans, and it is clear what was proposed being an extension over the existing ground floor extension.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers No 9 Thetford Close (No 9) with particular regard to outlook, sunlight and daylight.

Reasons

5. The appeal relates to a two-storey end-terrace dwelling located in a residential area containing dwellings of a similar style, design and finish. On account of the relatively good-sized rear gardens, there are good levels of outlook and natural light serving the rear of properties on this terraced row.
6. There is an existing boundary fence between the appeal property and No 9. No.9 benefits from 2 rear windows, that serve a kitchen, facing into the long narrow garden which is open on either side whereby views can be glimpsed of the existing extension at No 7. The proposed extension would be a noticeable presence above the boundary fence and from windows serving the rear elevation of No 9 and within areas of the garden.

7. The height, depth and close proximity of the first-floor extension would result in it becoming an imposing and dominating feature. The scheme would create an uninviting outlook, and an increased sense of enclosure, from within No 9 and within the garden close to the shared boundary.
8. Given the orientation of the first-floor extension, the short distance from the boundary and path of the sun, there would be likely to be some reduction in daylight and sunlight reaching the rear windows at No 9. Nonetheless, from my observations onsite and given the length of first-floor extension and in set distance from the boundary of the appeal site I find that adequate sunlight and daylight would reach the rear well-sized windows and wide garden area closest to the appeal site boundary. As a result, there would be no unacceptable harm on the occupiers of No 9 through loss of sunlight or daylight.
9. For the above reasons, the proposed development would unacceptably harm the living conditions of the occupiers of No 9 with regard to outlook. It would fail to accord with Policies LPD32 and LPD43 of the Gedling Borough Local Planning Document Part 2 Local Plan 2018. These seek, amongst other things, to prevent significant adverse impacts on nearby occupiers. It would also be contrary to the provisions of the National Planning Policy Framework, which seeks amongst other things, development to provide a high standard of amenity.

Other Matters

10. I note the appellant's comments on a further application being submitted to the Council. However, I have been provided with no evidence to understand how this is comparable to the scheme before me.
11. Other extensions in the area have been brought to my attention including examples larger than the appeal scheme. However, no details of the scale of these schemes or relationship with adjacent properties and windows has been provided to demonstrate how they compare.

Conclusion

12. 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.
13. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR