



Appeal Decision

Site visit made on 22 November 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/J3015/D/22/3296391

12 Rochester Court, Nottingham NG6 8WL

- 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 Rajan Arunasalam against the decision of Broxtowe Borough Council.
 - The application Ref 21/00704/FUL, dated 22 September 2021, was refused by notice dated 4 April 2022.
 - The development proposed was originally described as construct single rear extension and first/two storey glazed rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of single storey and first floor rear extension at 12 Rochester Court, Nottingham NG6 8WL in accordance with the terms of the application Ref 21/00704/FUL, dated 22 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SK 5244 (site location plan) and A101 Rev A (Proposed floor plan and elevation).
 - 3) 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.

Preliminary Matters

2. The description of development in the formal decision above has been taken from the Council's decision notice and the appeal form. This is because it is a more accurate reflection of the development for which permission is sought than that given on the application form.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of nearby residents, with particular reference to privacy, sunlight and daylight.

Reasons

4. The appeal site comprises a detached, two-storey dwelling located in a cul-de-sac. The property has an existing rear extension with a flat roof. A mix of hedging and fencing forms the boundary treatment. The rear garden is adjacent to Low Wood Road (A6002) and the site forms part of a wider

residential estate which includes detached and semi-detached dwellings as well as bungalows.

5. 19 Springfield Drive and 10 Rochester Court are adjacent to the appeal site. No 19 is a detached two-bedroomed bungalow with a relatively large garden. The bedroom windows face towards the appeal site. I have taken into account the personal circumstances of the occupier of No 19 (which results in occasions where they are unable to leave their bedroom) in making my decision. No 10 is a semi-detached, two-storey dwelling. No 10 has a driveway leading to a detached outbuilding adjacent to the common boundary shared with the appeal site.
6. The width of the proposed ground floor element of the extension would be the same as that of the original house. The first-floor element would be stepped in and would be sited away from the boundary shared with No 19. It would include bi-fold and sliding doors which would form a large Juliet balcony at first-floor.
7. The proposed development would not cause unacceptable overshadowing or loss of light on the neighbouring properties windows and gardens. This is because of the design of the extension (including roof form and stepped in), orientation of the sun, size of the gardens as well as the distance between the proposed extension and windows of neighbouring properties and common boundary.
8. The first-floor element of the extension would not contain any side windows. A ground floor, side window facing towards the common boundary shared with No 10 is proposed. Due to the boundary fence, siting of No 10's outbuilding and distance to No 10's windows, the proposed side window would not result in an unacceptable loss of privacy. The large glazing to the rear elevation would be orientated to overlook the appeal site and would not face towards neighbouring properties. Therefore, the proposed development would not have an unacceptable loss of privacy.
9. For these reasons, having regard to the scale and location of the extension, the proposal would have an acceptable effect on the living conditions of nearby residents, with particular reference to privacy, sunlight and daylight. Consequently, it would comply with Policy 17 of the Council's Part 2 Local Plan 2018-2028 (2019) and Policy 10 of the Greater Nottingham Aligned Core Strategies: Part 1 Local Plan (2014). These state, amongst other matters, to ensure new development provides a satisfactory degree of amenity for occupiers of neighbouring properties.

Other Matters

10. I have considered the other matters raised by residents. These include concerns relating to damage, as well as noise and disturbance during the construction period, dust, smell, access on boundary, impact on fencing and conifers, purpose of the extension and previous application refused at No 19.
11. The Council did not refuse the planning application on these grounds. Any noise and disturbance to neighbouring residents during construction is inevitable but would be temporary. Furthermore, the development would not result in significant dust or odour given the small scale of the development. Any damage resulting from construction, if that were to occur, is essentially a private matter

and the extension would be set in from the boundary (including fence and conifers).

12. Planning permission would not override any legal rights of access. The proposed drawings show the use of the rooms. There is limited information regarding the application at No 19. In any event, my role is to determine the appeal based on the planning merits and impacts of the proposed development before me. The other considerations raised by residents are not matters which justify withholding permission.

Conditions

13. It is necessary to attach a condition specifying the approved plans as this provides certainty. A condition is also necessary to ensure that matching materials are implemented in order to preserve the character and appearance of the area.

Conclusion

14. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, the appeal succeeds.

L Wilson

INSPECTOR