



Appeal Decision

Site visit made on 1 February 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/P3040/D/22/3307730

13 Cherry Street, Bingham, Nottinghamshire NG13 8AJ

- 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 and Mrs Adam Foster against the decision of Rushcliffe Borough Council.
 - The application Ref 22/01041/FUL, dated 26 May 2022, was refused by notice dated 17 August 2022.
 - The development proposed is two storey rear extension; carport changing to integral garage; new front porch; new rear dormer; new detached garden room/office.
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Decision

1. The appeal is allowed and planning permission is granted for two storey rear extension; carport changing to integral garage; new front porch; new rear dormer; new detached garden room/office at 13 Cherry Street, Bingham, Nottinghamshire NG13 8AJ in accordance with the terms of the application, Ref 22/01041/FUL, dated 26 May 2022, and the plans submitted with it, 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:
 - 22-010-08 Site and Location Plan
 - 22-010-07 Block Plan
 - 22-010-04 Proposed Ground Floor Plan
 - 22-010-05 Amended Proposed First Floor Plan
 - 22-010-06 Amended Proposed Elevations
 - 22-010-09 Proposed Garden Room
 - 22-010-11 Amended Proposed Section
 - 3) Development shall be carried out in accordance with the approved external materials specified on the Amended Proposed Elevations Plan (ref. 22-010-06) and Amended Proposed Section (ref. 22-010-11). These materials shall be retained thereafter.
 - 4) Prior to the construction of the Garden Room, details of the materials to be used in the construction of the external surfaces of the Garden Room hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and those materials shall be retained thereafter.

Preliminary Matters

2. The appellant submitted amended versions of the Proposed First Floor Plan (ref. 22-010-05) and Proposed Elevations (ref. 22-010-06) during the determination of the planning application. The references weren't amended, and the different revisions weren't noted. As such, the plans originally submitted with the application have the same reference as those submitted during the determination of the application. The Proposed First Floor Plan and Proposed Elevation plans approved within Condition 2, are those submitted during the determination of the planning application.

Main Issues

3. The main issues of the appeal are:
 - the effect of the proposed two storey rear extension on the character and appearance of Bingham Conservation Area; and,
 - the effect of the proposed two storey rear extension on the living conditions of neighbouring residents.

Reasons

Effect on the character and appearance of Bingham Conservation Area

4. The appeal site is located within the Bingham Conservation Area. The special interest of the Conservation Area includes the historic setting of Bingham. Whilst the Council has identified no harm to the Church of St. Mary and All Saints, there are a number of views towards it that contribute to the character and appearance and its significance as an early part of the town. The Townscape Appraisal identifies that the properties adjoining the site on Long Acre are key unlisted buildings and there are views from Long Acre across the appeal site towards the church. It appears to me that the views from here contribute to the character and appearance and help understand the Conservation Area's significance as a designated heritage asset.
5. The appeal property is a relatively modern development within the Conservation Area. There are a variety of house types and design within Cherry Street, but the appeal property appears similar in style to 11 Cherry Street (No. 11) and both are set back from the road. There are also a range of alterations and extensions to properties within the area. The proposed extension would include materials which are in keeping with the appeal property and therefore it would be viewed as another sympathetic extension in the area.
6. There are broken views of the Church of St. Mary and All Saints from Long Acre, but they are disrupted by the properties immediately adjacent to the appeal site. The proposed extension would screen some views of the Church, but the effect would not be significant as views from this part of Long Acre are through intermittent narrow gaps that do not make a significant contribution to the significance of the CA overall. Whilst views from the rear windows and gardens of the properties on Long Acre towards the Church would be affected, most properties would still enjoy an unbroken view of the church. Whilst private views of the church from properties on Long Acre would be affected, there is no particular evidence to suggest these views make a contribution to the significance of the Conservation Area.

7. The proposed two storey rear extension would not have a harmful effect on the character and appearance of the Bingham Conservation Area, and therefore would avoid harming its significance. The proposed extension would therefore comply with Policy 11 of the Rushcliffe Local Plan, Rushcliffe Local Plan Part 1: Core Strategy Adopted, December 2014 and Policy 28 of the Rushcliffe Local Plan, Rushcliffe Local Plan Part 2: Land and Planning Policies Adopted, October 2019 (LPP). These policies require proposals to conserve the setting of the historic environment and consider the significance of the assets and identify the impact of development upon them.

Living conditions of neighbouring residents

8. The proposed two storey rear extension would be sited away from the boundary with No. 11. The proposed extension would build on top of the existing ground floor extension and only extend slightly further into the rear garden. The rear windows of No. 11 would only offer angled views of the proposed extension.
9. Whilst the appeal scheme would lead to a slightly altered outlook from the rear windows of No. 11, the occupiers would still be able to look out a significant distance across their rear garden. The appeal scheme would have a minimal effect on the outlook enjoyed by the occupiers of No. 11 and as such it would not have an overbearing effect upon them.
10. Although the proposed extension would extend above and further than the existing single storey extension and cause some obstruction to views of the church from dwelling on Long Acre, the residents of these properties would still be able to look out a significant distance across their gardens and either side of the appeal property. The appeal scheme would therefore not harmfully affect the outlook enjoyed by residents of properties on Long Acre.
11. Given the orientation of the properties, the extension would not have an impact on the amount of sunlight experienced by residents of the properties on Long Acre. As the proposed extension is located close to the boundary of the properties on Long Acre it may reduce the amount of daylight experienced in the garden, but not to harmful extent.
12. The proposed extension would not increase the amount of first floor windows within the side elevation facing the properties on Long Acre. The existing ground floor window would be replaced with a floor to ceiling window; however, it would be largely screened by the existing boundary treatment. The Juliet balcony would offer angled views of the rear gardens of properties on Long Acre but would primarily look out across the garden of the appeal property. Whilst the proposed Juliet balcony would increase overlooking of the rear gardens it would not be by a significant amount.
13. The proposed Garden Room is sited a significant distance from neighbouring properties and well screened by existing boundary treatments and outbuildings within the rear garden of No. 11. The proposed garden room would therefore not have a harmful effect on the outlook enjoyed by neighbouring residents.
14. I conclude that the proposed two storey rear extension would not have a harmful effect on the living conditions of neighbouring residents. The appeal scheme therefore complies with LPP Policy 1 which indicates that proposals will

be granted, provided that there is no significant adverse effect upon residential amenity of adjoining properties.

Other Matters

15. Any construction noise would be temporary and small scale given the size of the proposed development. Whilst there might be alternative ways of providing additional accommodation at the site, I must consider the proposal before me, and have found that it would be acceptable. The effect on house prices is not a matter that affects my consideration of the main issues.
16. I acknowledge comments made by neighbours in relation to a lack of pre-application engagement. However, pre-application engagement is not a prerequisite for submitting a planning application of this nature. As such, this has not affected my assessment of the acceptability of the appeal scheme.

Conditions

17. In the interest of certainty conditions specifying a time limit to implement the proposed development and approved plans is required. To ensure that the proposed extension is in keeping with the character and appearance of the Conservation Area, conditions specifying external materials, and the submission of details of the materials for the Garden Room are required.

Conclusion

18. The proposed development complies with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh this.
19. For the reasons given I conclude that the appeal is allowed, and planning permission is granted.

J Hobbs

INSPECTOR