
Appeal Decision

Site visit made on 6 February 2023

by C Harding BA(Hons) PGDipTRP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/Q3060/W/22/3303028

30-32 Northdown Road, Nottingham NG8 3PF

- 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 Pervais Iqbal against the decision of Nottingham City Council.
 - The application Ref 22/00052/PFUL3, dated 6 January 2022, was refused by notice dated 22 April 2022.
 - The development proposed is alterations to the side of the roof of each property to create a hip-to gable to the original roof and provision of box dormers to the rear of each property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development as set out on the application form comprised "Rear side first floor extensions to 30 and 32. Hip to gable to create dormers at the rear and front. Front apex change to gable apex and new windows. Canopy roof removed to create balcony." The site address was, however, identified as "30 Northdown Road, Nottingham NG8 3PF".
3. It is apparent from the evidence that during the application process, the first floor extensions, front apex and balcony were removed from the scheme and amended plans submitted. The Council determined the application on the basis of the revised plans, amending the description to "Alterations to the side of the roof of each property to create a hip-to-gable to the original roof and provision of box dormers to the rear of each property". The site address was also amended by the Council to "30-32 Northdown Road, Nottingham NG8 3PF".
4. The amended description and site address have been used by the appellant on the appeal form, amended plans omitting the relevant elements have been provided, and the evidence refers only to those elements that comprise the amended scheme. Accordingly, I have used the revised description and considered the appeal on the basis of the amended scheme. Furthermore, it is clear from the evidence that the appeal relates to both 30 and 32 Northdown Road, Nottingham NG8 3PF, and I have used this site address as a result.

Main Issues

5. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area, and;

- the effect of the proposed development upon the living conditions of occupiers of neighbouring properties.

Reasons

Character and appearance

6. The appeal site relates to a pair of semi-detached residential properties. The character of the surrounding area is residential in nature with a mix of properties incorporating a variety of roof designs including hipped, gable and mansard styles. A number of properties in the area, including Northdown Road have been previously extended.
7. At the present the roof design of this pair of semi-detached dwellings comprises a central hipped element, with further subservient hipped elements tied in at a lower level. The proposed development would result in the central hipped element changing to a gable design, with the subservient hipped roofs continuing to tie in.
8. Generally, the roof form of properties within the area are consistent in approach, even where dwellings have been extended. The proposed development would result in the current harmony of roof form, which is characterised by the consistent use of hipped roofs, being replaced by a mixed hip and gable arrangement. This would be both unusual and discordant, and although not resulting in an overall increase to the highest point of the roof structure, would disrupt the general rhythm of the streetscene. It would therefore be harmful to the character and appearance of the area.
9. I acknowledge that there is an example elsewhere in Northdown Road where a similar arrangement to that which is proposed has previously been utilised. However, this example is materially different to the appeal proposal in that the subservient element of the roof incorporates an additional set-back. Accordingly, it is not directly comparable to the proposed development, and in any event, currently stands an outlier within the wider streetscene. Therefore, I do not afford it significant weight in my consideration of the effect of the proposed development upon the character and appearance of the area.
10. The proposed rear dormers are large and flat roofed and would dominate the rear roofscape of the appeal properties. By being located within the rear roof slope of the appeal properties, they would not be prominent within the wider streetscene. However, they would be visible from several neighbouring properties and gardens and would not represent a positive addition to the area.
11. The proposed development would lead to harm to the character and appearance of the area. Accordingly, it would be contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan [2014] ('ACS') and Policy DE1 of the Nottingham City Local Plan Part 2 [2020] ('LPP2') which together, and amongst other criteria require new development to make a positive contribution to the public realm, as well as respect and enhance streetscape and local character.

Living Conditions

12. The proposed dormer windows would lead to additional living space within the roofspace of the appeal properties. They would incorporate windows which would afford oblique views into the gardens of neighbouring properties on Northdown Road, as well as more direct views into gardens of existing

properties on Vale Crescent North. Although views between the appeal properties and properties on Vale Crescent North would likely be at such a distance that the relationship would not lead to an unacceptable loss of privacy, I consider that the proposed development would significantly reduce the level of privacy available to the occupiers of properties on both Northdown Road and Vale Crescent North when using rear gardens.

13. The Council are also concerned that the proposed development would lead to a loss of daylight, sunlight and outlook. The extent of the proposed roof alterations would not lead to an overall increase in the height of the roof of the appeal properties. Whilst the proposed dormer windows would increase the overall bulk of the roof structure, their design and situation below the overall ridge height means that I consider that the proposed development would be unlikely to result in harm to the levels of sunlight, daylight and outlook available to the occupiers of neighbouring properties.
14. My attention has been drawn to other examples where rear dormer windows have been approved within the local area, however I have not been provided with specific details of these examples. In the case cited at Nos 27 and 29 Northdown Road, I note that the rear elevations of these properties do not address other residential dwellings, so are not wholly comparable in this respect. I therefore afford these examples only minor weight in my consideration.
15. The proposed development would lead to harm to the living conditions of the occupiers of neighbouring properties with regard to privacy. Accordingly, it would be contrary to ACS Policy 10 and LLP2 Policy DE1 which together, and amongst other criteria, require consideration as to whether satisfactory levels of amenity for the occupiers of neighbouring properties would be achieved.

Other Matters

16. The appellant has highlighted that roof works to both of the appeal properties, including large dormer windows could be undertaken by means of exercising permitted development rights.
17. However, this has not been confirmed by means of a Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990, and it is not my role in considering this appeal to determine whether the proposed development, or indeed an alternative development to that which is proposed, would be lawful.
18. I have been presented with no evidence setting out the claimed fallback position in detail. Additionally, it is unclear whether the 'hip-to-gable' alterations to the overall roof form, would fall within the claimed fallback position. Accordingly, I am able to afford only minor weight to the fallback position as a material consideration.

Conclusion

19. The proposed development would conflict with the development plan, and I afford this conflict significant weight. There are no material considerations which would outweigh this conflict. The appeal should therefore be dismissed.

C Harding

INSPECTOR