



Appeal Decision

Site visit made on 9 May 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/J3015/D/23/3316733

8 Kenton Avenue, Nuthall, Nottinghamshire, NG16 1PX

- 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 Mrs Shyno Punnoose against the decision of Broxtowe Borough Council.
 - The application Ref 22/00856/FUL, dated 1 November 2022, was refused by notice dated 3 February 2023.
 - The development proposed is described as a 'double storey rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a single and two storey rear extension at 8 Kenton Avenue, Nuthall, Nottinghamshire, NG16 1PX in accordance with the terms of the application, Ref 22/00856/FUL, dated 1 November 2022, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HH/015/001 Rev 04, HH/015/002 Rev 04, HH/015/003 Rev 04, HH/015/004 Rev 04, HH/015/005 Rev 04.
 - 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 matter

2. The Council's decision refers to the development as a 'single and two storey rear extension' and as this describes the proposal in more detail, I have considered it on this basis.

Reasons

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the neighbouring occupiers. The development plan includes policy 17 of the Council's Part 2 Local Plan (2018-2028) (adopted 2019) which seeks to ensure a satisfactory degree of amenity for the occupiers of neighbouring properties. National policy in the National Planning Policy Framework has a similar objective.
4. The appeal site comprises a detached two storey house on a residential road within a modern housing development. The proposal seeks to extend the

dwelling to the rear with a part single storey, part two storey extension. The single storey element would have a flat roof and would be attached to an existing conservatory. It would not project beyond the rear elevation of that conservatory. The first floor element would sit above it but at some 1.8m in depth would be set back from the single storey element and would have a gabled roof with a ridge set down some way below the main ridge. A similar previous proposal was refused by the Council under ref 22/00142/FUL.

5. The neighbouring dwellings are of a similar size and style and are set on a staggered building line. The proposal would be sited some 1.9m from the boundary with no 6 to the north of the appeal site. That dwelling is set at a slightly higher ground level and sited some 2m further forward of the appeal dwelling at the rear. It has a conservatory adjacent to the 2m high side boundary fence. Therefore, the proposed single storey element would be set back from the building line of the conservatory at no 6 and the proposed first floor element would not project beyond the main rear elevation of that dwelling. As such, the proposal would not have any harmful impact on those occupiers and indeed its impact would be significantly less than that caused to the appeal site by the existing projection along the side boundary of the gable wall of no 6.
6. To the south of the site, the main rear elevation of the adjacent dwelling at no 10 is in line with that of the appeal dwelling. Although the proposal would project slightly forward of that at a slightly higher ground level, given that it is on the part of the dwelling furthest from that side boundary, that the first floor projection would be only 1.8m and that it would be separated from no 10 by both the conservatory at the appeal site and the garage of no 10, there would be no harm caused to the amenity of those occupiers.
7. The nearest dwellings to the rear of no 8, are two detached dwellings at 4 and 5 Croxley Gardens which are sited on slightly higher ground. Although the rear gardens of dwellings on this estate are not generous, those dwellings have not been extended at first floor level to the rear and there would be a distance of some 20m between the properties at that level which would be acceptable. At ground floor level, the proposal would be no closer than the existing conservatory. Thus, the impact on those properties would also be negligible.
8. This is a small scale proposal whose siting and scale is entirely appropriate for this site. I agree, therefore, with the views of the Council's planning officer who recommended the application for approval and whilst Councils are not bound by their officers' recommendations, I have not been made aware of any justification for departing from that advice in this case.
9. I conclude, therefore, that the proposal would not result in significant harm to the living conditions of the neighbouring occupiers in terms of light, outlook, privacy, noise, smells, disturbance or intensification of the site. It therefore accords with the Local Plan policy 17 referred to above and with the Framework.

Conditions

10. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of character and appearance.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed and there are no material considerations that justify determining the appeal otherwise.

Sarah Colebourne

Inspector