



Appeal Decision

Site visit made on 23 May 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/N1025/C/22/3306097

Flat 2, 142 Norman Street, Ilkeston DE7 4NR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr Stuart Price against an enforcement notice issued by Erewash Borough Council.
 - The notice was issued on 10 August 2022.
 - The breach of planning control as alleged in the notice is without planning permission, operational development comprising of the erection of a dormer extension on the rear slope.
 - The requirements of the notice are to demolish the unauthorised dormer extension in its entirety and to reinstate the rear roof slope.
 - The period for compliance with the requirement is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act for the development already carried out, namely the dormer extension on the rear slope at Flat 2, 142 Norman Street, Ilkeston DE7 4NR as shown on the plan attached to the notice.

Appeal on ground (a)

2. The ground of appeal is that planning permission ought to be granted for the matters alleged in the notice.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupiers of neighbouring properties with regards to privacy and outlook.

Reasons

4. The properties in the immediate area of the appeal site are within close proximity to each other, also noting that the dormer extension has been described as being approximately three metres from neighbouring property No 33A Bright Street.
5. It is not unusual for windows of residential properties to have views into garden areas of neighbouring properties. The window in the dormer extension does have views into neighbouring gardens however, these views are restricted given the height and orientation of the dormer extension in relation to the position of the neighbouring properties and their gardens. The window in the

dormer extension does not overlook neighbouring gardens to an extent that adversely compromises neighbouring occupiers living conditions.

6. Due to the scale and position of the dormer extension, as well as its orientation in relation to neighbouring properties, it does not create any detrimental overbearing effects that compromises the outlook of neighbouring occupiers.
7. The dormer extension does not have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to privacy and outlook. The dormer extension complies with saved Policies H1 and H12 of the Erewash Borough Local Plan and Policy 10 of Erewash Core Strategy which seeks development to be assessed in terms of its impact on the amenity of nearby residents or occupiers.

Other matters

8. I have had regard to comments made by neighbouring occupiers including the submission of photographs and that there are no other properties in the area which have a dormer extension of similar proportion, design or scale. The Council have not raised any objections to the effect of the dormer extension on the character and appearance of the area. These matters do not alter my findings on the main issue above.

Conclusion

9. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the dormer extension on the rear slope as described in the notice.

Chris Baxter

INSPECTOR