



Appeal Decision

Site visit made on 4 September 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/Q3060/W/22/3312702

13 Exbourne Road, Nottingham, NG8 5SA

- 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 John Giles against the decision of Nottingham City Council.
 - The application Ref 22/00323/PFUL3, dated 9 February 2022, was refused by notice dated 7 June 2022.
 - The development proposed is the construction of a new dwelling and creation of a new dropped kerb to allow vehicular access to existing property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposal on the living conditions of neighbours with regard to outlook, privacy and natural light.

Reasons

Character and appearance.

3. Exbourne Road is a residential road located within a municipal, interwar housing estate. Designed in a garden suburb style, the close spacing of the estate's terraced and semi-detached houses is offset by spacious gardens and mature landscaping. The gardens on corner plots such as 13 Exbourne Road are particularly generous and it is this openness which creates a welcome sense of space that counterbalances the fine grain of residential development along the rest of Exbourne Road and Broxtowe Road.
4. The appeal site has been created from garden land to the side of No 13 and occupies the majority of the gap between No 13 and the neighbouring end terrace house, 335 Broxtowe Lane. In streetscape terms, the gap serves to contribute to the spaciousness of the corner plot.
5. The proposed detached house would be set forward of the adjacent terrace and would have smaller gaps on both sides separating it from its neighbours than is characteristic of other houses within the Exbourne Road, Broxtowe Road, Aspley Lane triangle. It would also have a smaller mass than the semi-detached pair of houses and four house terrace on either side. As a result, it would appear as a cramped and incongruous dwelling within the streetscene.

The other factors referred to by the appellant, such as the set down of the appeal site and its neighbours with respect to Broxtowe Lane, their front gardens, and the similar scale, form, architectural features and external materials to the terrace would not be sufficient to negate the significant adverse effect that I have described.

6. Taking all these matters into account, I therefore conclude that the proposed development would cause unacceptable harm to the character and appearance of the area by failing to respect and enhance the streetscape and constituting poor design. This would be contrary to policies DE1 and DE2 of the Land and Planning Policies Development Plan Document, Local Plan Part 2 (Local Plan Part 2) which require the protection of the character and appearance of a locality through high quality design that respects local design features.

Living conditions

7. Located only a few meters away, the side elevation of the proposed house would unduly enclose the outlook from the nearest rear first floor bedroom window at No 13. As a result, the proposed dwelling would be overbearing. In support of the appeal reference has been made to the relationships between 3 and 5 Exbourne Road and 11 and 9 Exbourne Road. However, as in these cases the separation distances are significantly greater than between the proposed dwelling and the nearest bedroom window in the rear of No 13, they are not directly comparable to the appeal proposal. As a consequence, reference to them has not altered my findings on this issue.
8. The building would not encroach across the outlook from the front elevation of 355 Broxtowe Lane. Any overlooking of nearby gardens from the rear elevation of the proposed house would be in keeping with that which is found elsewhere between dwellings within the triangle of housing that I earlier described. Owing to the location of the proposed house in relation to its neighbours, it would also not adversely affect levels of sunlight or daylight. The size of the rear garden is also not a matter that the Council objects to. However, the absence of harm in these regards are matters of neutral rather than positive weight in favour of the appeal.
9. For the reasons, given above I therefore conclude that the proposed house would result in poorer living conditions than it is reasonable to expect by virtue of its significant adverse effect on the outlook that would be experienced by the occupiers of No 13. This would be contrary to policy DE1 of the Local Plan Part 2 and policy 10 of the Aligned Core Strategy which seek to prevent such harm.

Conclusion

10. The appeal site is located within a Primary Residential Area where the principle of residential development is supported by the development plan. It is also in a location where services and facilities are readily accessible by sustainable modes of transport.
11. The proposal though would cause unacceptable harm to the character and appearance of the area and would result in poor living conditions, contrary to policies DE1 and DE2 of the Local Plan Part 2 and policy 10 of the Aligned Core Strategy. As a result, I find that the proposed development would be contrary to the development plan considered as a whole.

12. The other considerations put forward in favour of the proposal, namely the benefits of providing much needed housing in a location where services and facilities are readily accessible by sustainable modes of transport and that efficient use would be made of land, are insufficient to outweigh the harm that would be caused and non-compliance with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector