



Appeal Decision

Site visit made on 31 October 2023

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2023

Appeal Ref: APP/Q3060/W/23/3320717

369 Haydn Road, Nottingham NG5 1DZ

- 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 Mukhtar Pawar against the decision of Nottingham City Council.
 - The application Ref 22/01826/PFUL3, dated 14 September 2022, was refused by notice dated 13 April 2023.
 - The development proposed is 2 semi-detached new builds, both 2 bedrooms dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are inconsistencies amongst the proposal drawings before me, with the elevations showing a different design from the layout plans. I have sought confirmation from the Council, which has confirmed that its decision was based on the layout which features balconies and a staggered design. For the avoidance of doubt, this plan is: Proposed Ground and First Floor Plan (HH/GF + FF/001).

Main Issues

3. The main issues are whether the proposed development would:
 - a) provide adequate living conditions for future residents, with particular reference to outlook, natural light and private external space; and
 - b) be sustainable, with particular regard to artificial lighting.

Reasons

4. The appeal site lies within a rear yard of a pair of former dwellings which have been converted to ground floor shops, with residential accommodation above. The site lies within a busy mixed-use area, with residential properties, a car sales operation and industrial buildings in the immediate vicinity.

Living conditions

5. The proposed southern-most dwelling would be situated extremely close to the appeal site boundaries. Its rear elevation would lie almost adjacent to and would immediately face fencing which forms the boundary to a car park associated with the neighbouring car sales operation. The proposed kitchen window would face this boundary. The two other ground floor windows of the proposed southern-most dwelling would also lie close to the site boundaries,

- with the living room window facing blank wooden fencing at extremely close quarters.
6. The outlook from the northern-most proposed dwelling would be similarly restricted. This property would have no windows along the front elevation. The kitchen window on the eastern side elevation would similarly look out onto wooden fencing. Whilst the western elevation would have slightly more space between the proposed property and the boundary fence, due to the site constraints, the living room window would face the proposed bin collection point. Consequently, the positioning of the proposed dwellings within the plot would lead to an unacceptable sense of enclosure and would not provide adequate outlook for future occupiers.
 7. The proposed dwellings would have rooflights which would provide natural light to the first floor, and would have a glazed door. However, the limited number of windows and the close proximity of the proposed dwellings to the site boundaries would lead to a lack of natural light to the ground floor. The poor level of natural lighting would not provide adequate living conditions for future residents.
 8. Due to the constrained plot size, the proposed dwellings would have very little private external space. However, there is a small amount of shared outdoor space proposed. Private balconies would also be provided at the first-floor level, thus offering private external space for sitting out, albeit small. As such I consider that this element of the proposal would accord with Policy DE2 of the Nottingham City Land and Plan Policy Development Plan Document Local Plan Part 2 (LP) which seeks to ensure that development provides appropriate external space.
 9. However, I conclude that, for the reasons outlined above, the proposed development would not provide adequate living conditions for future residents, with particular reference to outlook and natural light. The proposal would therefore conflict, in that regard, with Policies DE1 and DE2 of the LP, which seek to ensure that developments provide a satisfactory level of amenity for occupiers in terms of outlook and daylight. The proposal would also conflict with Policy 10 of the Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan (CS) which seeks to ensure that development creates an attractive and healthy environment.

Sustainability

10. Due to the limited number of windows at ground floor level, and their close proximity to fencing, the proposed dwellings would receive a limited amount of daylight. The higher than normal usage of artificial light that this would be likely to necessitate would lead to a conflict with Policy CC1 of the LP which highlights that development proposals will be expected to maximise opportunities to incorporate sustainable design features where feasible, and Policy DE1 of the LP which seeks to ensure that development accords with the principles of sustainability in design. It would also be in conflict with Policies 1 and 10 of the CS which seek to ensure that developments mitigate and adapt to climate change.

Other Matters

11. The proposal would provide two new dwellings and would, as a matter of principle, be a good use of space. I note that there have been no objections from neighbouring residents, and that the proposal would be of a modern, contemporary design. However, these matters do not outweigh the harm that I have found that the proposal would have on the living conditions for future occupiers or in terms of sustainability.

Conclusion

12. The proposal would not provide adequate living conditions for future occupiers and would not be sustainable. Accordingly, the proposal would conflict with the development plan when taken as a whole and there are no material considerations which would indicate a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

L C Hughes

INSPECTOR