



Appeal Decision

Site visit made on 13 December 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02.02.2024

Appeal Ref: APP/B3030/D/23/3330632

2 Birkland Drive, Edwinstowe, NG21 9LU

- 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 Cooke against the decision of Newark and Sherwood District Council.
 - The application Ref 23/01181/HOUSE, dated 7 July 2023, was refused by notice dated 9 August 2023.
 - The development proposed is a side extension to replace existing outbuilding and material alterations to existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are
 - The effect of the proposal on the character and appearance of the existing dwelling and the streetscene;
 - The effect on the living conditions of the occupants of number 52 Mansfield Road, with regard to outlook; and
 - The effect of the proposal on highway safety and on-street parking along Birkland Drive.

Reasons

Character and Appearance

3. The appeal property is a modest detached single-storey bungalow with a detached garage to the side. It is situated in a prominent corner position close to the junction of Birkland Drive and Mansfield Road. The surrounding area is predominantly residential with a mix of houses and bungalows that vary in their size and appearance. A number appear to have been altered and extended since originally built.
4. Birkland Drive slopes upwards from its junction with Mansfield Road and part of the appeal property's side garden is at a higher level than the main part of the site.
5. The proposal is to remove the existing garage and erect a relatively large two-storey side extension, which would provide a guest room and bedroom on the

ground floor with a “master suite” on the first floor. The main part of the extension would be positioned at an angle of 45 degrees from the side wall of the existing property. The extension would also appear taller than the existing bungalow.

6. Core Policy 9 of the Council’s adopted Amended Core Strategy 2019 (CS) seeks (amongst other things) to ensure that the design of new development is of a high standard that complements the existing built environment. This is also reflected in Policies DM5 and DM6 of adopted Allocations and Development Management Development Plan Document 2013 (DMDPD). In addition, the Council’s Supplementary Planning Document – Householder Development advises that side extensions should be sensitive to the host dwelling and the character of the surrounding area. I consider that these policies and guidance are consistent with the provisions of paragraph 135 of the National Planning Policy Framework 2023 (The Framework).
7. As stated above, the appeal property sits in a prominent position and the proposed extension would be highly visible in the streetscene. The proposed extension, would appear as a bulky and incongruous addition, because of its overall scale and height. The proposed roof design and the angular relationship with the existing dwelling would also appear awkward and at odds with the prevailing character of the existing dwelling and the streetscene. Consequently, the proposal would conflict with the provisions of the Development Plan and associated guidance, as referred to above.

Living Conditions

8. Number 52 Mansfield Road is a detached two-storey dwelling, which is positioned relatively close to the rear garden boundary of the appeal property. It has main ground and first-floor windows facing the appeal dwelling.
9. Policy DM6 of the DMDPD states (amongst other things) that separation distances between development and neighbouring property should be sufficient to ensure that neither suffers from a reduction in amenity through overlooking or overbearing impacts. This also accords with paragraph 135 of The Framework, which states that developments should create places with a high standard of amenity for existing and future uses.
10. The Council considers that the proposal would have an unacceptably harmful effect on number 52 because of its overbearing impact. The officer’s report also refers to the perception of overlooking. With regard to overlooking, I am not persuaded that this would be harmful as the first-floor window of the proposed extension would serve a bathroom area and, therefore, a condition requiring obscure glazing would be appropriate should the appeal be allowed.
11. However, I share the Council’s concerns regarding the matter of overbearing that would result, due to the scale and position of the proposed extension in relation to number 52 and its garden. In my opinion, the proposal would have an adverse impact on the amenity currently enjoyed by the occupants of number 52, both inside their dwelling and in their rear garden. Therefore, the proposal would conflict with Policy DM6 of the DMDPD.

Highway Safety/ Parking

12. The Council states that the proposal would lead to insufficient on-site parking to serve the appeal dwelling. It states that only one space would be available

against a requirement of three spaces for a dwelling of the proposed size. The proposed plans do not include a parking layout, but it appears to me that within the curtilage of the dwelling as a whole, it is likely that space for three vehicles could be provided. A requirement for a parking layout could be the subject of a condition if the development was considered acceptable in other ways. Accordingly, I do not find against the proposal on this issue.

Other Matter

13. The appellant has submitted details of works and extensions to the appeal property that could be undertaken as permitted development. These are quite extensive and I am minded that such works need only to be theoretical to be a material consideration. However, the proposals put forward by the appellant would appear substantially different in design to the appeal proposal and, in my view, they are not comparable. Accordingly, I have determined the appeal on its merits and I give the fallback position little weight.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Ian McHugh

INSPECTOR