



Appeal Decision

Site visit made on 20 February 2024

by Ailsa Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/J3015/W/23/3329653

70 Beeston Fields Drive, Bramcote, Nottinghamshire NG9 3TD

- 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 Rocco Labbate against the decision of Broxtowe Borough Council.
 - The application Ref 23/00110/FUL, dated 7 February 2023, was refused by notice dated 27 July 2023.
 - The development proposed is the demolition of the existing dwelling and the construction of a two-storey dwelling with detached garage.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing dwelling and the construction of a two-storey dwelling with detached garage at 70 Beeston Fields Drive, Bramcote, Nottinghamshire NG9 3TD in accordance with the terms of the application, Ref 23/00110/FUL, dated 7 February 2023, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan 1058 00 1E, Proposed Ground Floor Plan 1058 002D, Proposed First Floor Plan 1058 003E, Proposed Garage Elevations and Roof Plan 1058 05B, Existing Elevations and Block Plan 1058 001, and Proposed Elevations 1058 004E.

Procedural Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
3. As part of my site visit, I visited the neighbouring property at 48 Troutbeck Crescent and viewed the proposed development from the rear garden and rear first floor windows of the neighbouring property.

Main Issue

4. Planning permission was granted¹ for the demolition of the existing dwelling and the construction of a replacement dwelling and garage. At the time of my site visit, the replacement dwelling had been constructed but its interior had not yet been completed. The appeal proposal seeks amendments to the previously approved scheme to include a balcony to the rear and alterations to

¹ Planning Ref 21/00843/FUL

the previously approved rooflights. The Council's concern is in respect of the proposed first floor rear balcony.

5. Consequently, the main issue is the effect of the proposed balcony on the living conditions of the occupiers of the nearest neighbouring properties at Troutbeck Crescent to the rear of the appeal site, with particular regard to privacy.

Reasons

6. The proposed balcony would be centrally located within the first floor rear elevation of the host dwelling. It would marginally project beyond the existing first floor exterior walls and would have a floor area of 8.5 sqm. To the rear of the host dwelling is a garden and the proposed balcony would be sited 18m from the boundary shared with 48 Troutbeck Crescent. The shared boundary comprises a close boarded fence of over 2m in height.
7. No 48 comprises a detached, two-storey dwelling that, together with the dwelling's patio, is sited on a lower ground level than the host dwelling. While the grassed section of No 48's rear garden is located on the same ground level. The height of the existing close boarded fence, the difference in ground levels and the siting of the proposed balcony would ensure that the users of the balcony would not overlook the rear garden or ground floor windows of No 48.
8. No 48 has bedroom windows within its first floor rear elevation and users of the proposed balcony would have a view towards them. However, views would tend to be oblique and would be partially obscured by the vegetation growing within the garden of No 48. Furthermore, a significant gap of approximately 28m would separate the proposed balcony from No 48's rear windows which would restrict any potential overlooking to an acceptable degree. The proposed balcony would be marginally closer to No 48 than the existing first floor windows within the host dwelling, one of which serves the master bedroom. Therefore, any overlooking of the first floor windows of No 48 by the users of the proposed balcony would be similar to those from the bedroom window.
9. Consequently, the effect of the proposed balcony on the privacy of No 48 would not be unduly affected.
10. The occupiers of 50 Troutbeck Crescent have raised concern regarding the effect the balcony would have on their privacy. No 50 is located to the east of No 48 whereby the distance between the proposed balcony and No 50 would be significantly greater than its relationship with No 48. Consequently, issues regarding privacy would be more acute for No 48 than No 50, and I have found no harm to the living conditions of the occupiers of No 48.
11. In reference to the main issue, the proposed balcony would not harm the living conditions of the occupiers of the nearest neighbouring properties at Troutbeck Crescent to the rear of the appeal site, with particular regard to privacy. It would comply with Policy 10 of the Greater Nottingham Broxtowe Borough Gedling Borough Nottingham City Aligned Core Strategies Part 1 Local Plan, adopted 2014 and Policy 17 of the Broxtowe Borough Council Part 2 Local Plan 2018-2028, adopted 2019 which, amongst other things, seek to ensure a satisfactory degree of amenity for occupiers of neighbouring properties.

Other Matters

12. Concern has been raised that the proposed balcony would affect the living conditions of the occupiers of neighbouring properties through noise and disturbance. From the comments received, it is incorrectly assumed that the balcony would occupy the whole of the single storey flat roofed projection. When in fact the balcony would be relatively small at 8.5sqm and therefore could not accommodate a large number of people. It could result in some additional noise to the surrounding area. However, the surrounding gardens could accommodate large numbers of people, including playing children and therefore neighbouring properties would already be subject to noise and disturbance. Consequently, the small floor area of the proposed balcony would unlikely raise noise levels in the surrounding area to an unacceptable degree.
13. The loss of an existing hedgerow and trees, the potential incorrect siting of a detached garage, the replacement house not according with the approved drawings, and the dialogue that has previously taken place with a neighbour are not of direct relevance to the appeal proposal. I accept that the length of time and the submission of different planning applications for the appeal site may have caused distress to the occupiers of neighbouring properties, however, this has not prevented me from forming a view on the main issue.

Conditions

14. I have had regard to the condition suggested by the Council and the tests for conditions set out within the Framework. As the development has commenced and is almost complete, the only condition relevant to the appeal proposal is to specify the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusion

15. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

A Berry

INSPECTOR