



Appeal Decision

Site visit made on 6 February 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/N3020/W/23/3327141

90 Somersby Road, Woodthorpe, Nottinghamshire NG5 4LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Qamar Haque against Gedling Borough Council.
 - The application Ref 2023/0426, is dated 22 May 2023.
 - The development proposed is front porch extension, internal alterations and a loft conversion.
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Decision

1. The appeal is dismissed and planning permission for front porch extension, internal alterations and a loft conversion is refused.

Preliminary Matters

2. The appeal is made against the Council's failure to give notice of its decision within the prescribed period. The Council has set out its case and putative reasons for refusal in its appeal statement. Based on what is before me, I see no reason to disagree.
3. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the main issues below are considered. References in the decision are to the December 2023 Framework.

Main Issues

4. The main issues are the effects of the proposal on:
 - the character and appearance of the host dwelling and the wider area;
 - the living conditions of residents of the neighbouring flats at Nordean Court with regard to outlook and sunlight.

Reasons

Character and Appearance

5. The Council has not raised concerns about the proposed front porch extension or front gable. I have no reason to take a different view.
6. The proposal would involve increasing the ridge height of the existing roof by around 0.46 metres and constructing a pitched roof of the same height over the existing flat roofed two storey side extension. The dwelling would therefore appear as having a greater mass than many of the other two storey dwellings

nearby. However, looking along Somersby Road in both directions, the dwellings appear as having slightly different heights due to the sloping topography. Furthermore, the increased ridge height would be seen in the context of the adjacent three storey flat roofed block of flats. As a result, the proposed increase in height of the ridgeline would not in itself appear as an overly dominant addition to the dwelling.

7. Notwithstanding my views on the above matter, the proposed rear dormers would substantially alter the appearance of the host dwelling. They would occupy most of the rear roof plane. The scale of the dormers combined with the increased ridge height would result in substantial bulk being added to the rear roof plane. The dormers would give the appearance of another floor rather than an extension into the loft space. The overall outcome would be a dominant and top-heavy structure that would detract from the scale and proportions of the host dwelling and would not be subordinate to it. The use of matching materials would not adequately mitigate this.
8. Due to the location of the dormers to the rear, the extent which they would be visible from the public domain is relatively limited. However, in my view, the harm I have found would not be sufficiently resolved by the limited effect on the street scene. The dormers would be seen by residents of nearby dwellings, where they would be viewed as a discordant feature.
9. Accordingly, I conclude that, due to the design, scale and mass of the proposed rear dormers, the proposal would harm the character and appearance of the host dwelling and the wider area. As such, it would conflict with the requirements of Policy 10 of the 2014 adopted Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan (the ACS) and Policy 43 of the 2018 adopted Gedling Borough Local Planning Document Part 2 Local Plan (the LP). Amongst other matters, these policies require development to make a positive contribution to the public realm and sense of place, and the appearance of extensions to be in keeping with surrounding character in terms of height, built form and general design. There would also be conflict with the design objectives of section 12 of the Framework.

Living Conditions

10. The Council describes the three nearest windows at ground, first and second floor in the side elevation of Nordean Court as serving habitable rooms. I have no evidence that would suggest otherwise.
11. There is already a limited separation distance between the side of the existing two storey extension of the dwelling and the ground and first floor windows in the side elevation of Nordean Court. In addition, a boundary fence sits in between the ground floor window and the side of the dwelling. However, the proposal to add a pitched roof over the side extension along with the proposed rear dormer would create what would, in effect, be a three-storey gable close to the ground and first floor windows in the side of Nordean Court. This additional height and bulk would result in an increased sense of enclosure that would unduly dominate the outlook from these windows.
12. The second-floor window of Nordean Court currently has a more open aspect given the existing flat roof of the side extension of the dwelling and the slight change in land levels between the two properties. However, given the lack of separation distance, the additional height and bulk that would result from the

pitched roof and dormer over the two-storey side extension would create a dominant feature that would also have an overbearing effect on outlook from this second-floor window.

13. The dwelling is located to the north-west of Nordean Court. Due to the relative positions of the two properties, the proposal would be unlikely to cast shadow over the ground floor window in the side elevation of Nordean Court for most of the day. Any shadows cast would not be significantly different to the current situation, and the proposal would not overshadow this neighbouring property to an unreasonable degree. The proposal would not therefore harm the living conditions of residents of the ground floor flat of Nordean Court due to a loss of sunlight.
14. While the proposal would not harm the living conditions of residents of the neighbouring flats at Nordean Court with regard to sunlight, I conclude that it would significantly harm the living conditions for residents of these properties with regard to outlook. As such, it would be contrary to the residential amenity requirements of Policy 10 of the ACS and Policies 32 and 43 of the LP.

Other Matters

15. I note the appellant's comments regarding the various benefits arising from the proposal including the enhanced living space, greater energy efficiency and future proofing of the dwelling. While I have given these benefits some positive weight, they would not be sufficient to outweigh the harm I have identified.
16. Although the appellant is not specifically arguing that the development is required for anyone with protected characteristics under the Equalities Act 2010 (the Act), it is stated that the proposal would provide additional space to accommodate a multi-generational household which includes children and elderly parents. I have therefore given very careful consideration to the Public Sector Equality Duty arising from section 149 of the Act. There is little clear evidence that similar benefits could not be delivered by alternate forms of development that would be better in keeping with the host dwelling and the surrounding built environment and with less harmful effects on neighbouring residents. Based on the evidence before me, the harm caused by the proposal is not offset by any benefits of the proposed scheme, in terms of eliminating discrimination against a person with the protected characteristic of age, advancing equality of opportunity for that person or fostering good relations between them and others.

Conclusion

17. I have not found harm to the living conditions of neighbouring residents with regard to sunlight. However, I have found harm to the living conditions of neighbouring residents with regard to outlook, and to the character and appearance of the host dwelling and wider area. To this extent there would be conflict with the development plan when considered as a whole. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR