



Appeal Decision

Site visit made on 24 May 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2024

Appeal Ref: APP/B3030/D/24/3340709

Strelley, 88 Kirklington Road, Rainworth, Nottinghamshire NG21 0JX

- 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 Denby against the decision of Newark and Sherwood District Council.
 - The application, Ref 23/02172/HOUSE dated 6 December 2023, was refused by notice dated 2 February 2024.
 - The development proposed is for a single storey rear extension to form a kitchen/living space with a utility and a ground floor shower room.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension to form a kitchen/living space with a utility and a ground floor shower room at Strelley, 88 Kirklington Road, Rainworth, Nottinghamshire, NG21 0JX, in accordance with the terms of the application ref 23/02172/HOUSE dated 6 December 2023, subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: 23/812/04 (proposed location plan); 23/812/03a (proposed site plan) and 23/812/02b (proposed floor plans and elevations).
 - iii. The materials to be used in the construction of the external surfaces of the approved single storey, rear extension shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No. 86 Kirklington Road in respect of light and privacy.

Reasons

3. No. 88 Kirklington Road is a semi-detached, two storey, brick built dwelling in a predominantly residential area and which forms part of a line of similarly constructed dwellings. The host property contains two, single storey lean-to's where the proposal is to demolish them and to construct a single storey, flat

- roofed, rear extension, approximately 3.2 metres high, 5.8 metres wide and 6.0 metres deep. The proposed extension would occupy most of the existing rear elevation and would abut the party wall with No. 86 Kirklington Road.
4. No. 86 Kirklington Road has a single and a two storey extension to its rear elevation with a depth of some 2 metres. The proposed development to No. 88 Kirklington Road would extend beyond this by approximately 4 metres.
 5. There is a close boarded fence on the boundary between the two dwellings of approximately 1.8 metres high, compared to the height of the proposed extension of some 3.2 metres. There would be no windows in the wall to the proposed extension facing the neighbouring property. Beyond the proposed extension there would be a raised patio.
 6. While the proposed development to the host property would extend beyond the existing rear additions to No. 86 Kirklington Road by approximately 4 metres, the arc of the sun from east to west would mean that any overshadowing caused by the extension to the windows of the adjoining property would be likely to be confined to very early in the morning when the sun rises in the east. Moreover, any such overshadowing would be further limited by the single storey nature of the proposed extension and where the sun's rays would extend above it for much of the year. In such circumstances, I do not find that the proposal would result in any material overshadowing or loss of light to No.86 Kirklington Road.
 7. The proposed extension, being approximately 3.2 metres high, would be visible above the boundary fence of approximately 1.8 metres high and when viewed from No. 86 Kirklington Road, including from its garden. However, there would be no windows on the elevation to the extension facing the neighbouring property such that there would not be any adverse impact in terms of overlooking of the garden.
 8. While the appellant has not agreed to include the patio as part of the description of the proposed development, this is shown on the submitted plans. While it is shown to be approximately 0.9 metres above the existing ground level, patios are a common feature of rear gardens and I consider that, by its overall height, it would not create any significantly adverse impact upon the living conditions of the occupiers of the adjoining property in terms of additional overlooking.
 9. While I have considered the appeal proposal upon its individual merits and from the point of view of both existing and future occupiers of the adjoining property, I have noted that the current occupier of No. 86 Kirklington Road has written in full support of the proposed development. This adds additional weight to my overall finding that the proposal is acceptable in planning terms.
 10. For the above reasons, I therefore conclude that the proposed development would accord with the amenity requirements of policy 9 of the Newark and Sherwood Amended Core Strategy 2019, policies DM5 and DM6 of the Council's Allocations and Development Management Development Plan Document 2013, the Council's Supplementary Planning Document on Householder Development 2014, and paragraph 135(f) of the National Planning Policy Framework 2023, all of which, amongst other things, aim to protect the amenities of adjoining occupiers.

Conditions

11. I have imposed the standard time condition as well as a condition relating to the approved plans, for the avoidance of doubt and in the interests of certainty.
12. I have imposed a condition relating to external materials in the interests of good design.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR