



Appeal Decision

Site visit made on 11 June 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3RD July 2024

Appeal Ref: APP/A3010/D/24/3344019

11 Kensington Way, Worksop, Nottinghamshire S81 7SY

- 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 Ms Corina Mosu against the decision of Bassetlaw District Council.
 - The application Ref 24/00257/HSE, dated 14 July 2023, was refused by notice dated 29 April 2024.
 - The development proposed is extension of kitchen and living room on the driveway to the side of the house and connected to the garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbours in respect of outlook. The Council has raised no objection to the character and appearance of the proposed extension. I see no reason to disagree given that it would be built using external materials to match those of the dwelling.

Reasons

3. The appeal building is a modern two-storey dwelling located in a cul-de-sac. The southern flank wall of the dwelling faces the rear elevations and gardens of a short terrace of dwellings at 3-9 Kensington Way. The proposed extension would be set back from the front elevation of the building, thereby allowing an off-street parking space to be retained. There is a boundary fence around 1.8 metres in height with the rear gardens of 3-9 Kensington Way. However, it is not clear from the submitted plans whether the fence would be affected by the proposal. The proposed extension would be around 2.8 metres in height, with a flat roof, and around 7 metres in length.
4. I consider that the extension would have an adverse effect on the outlook for neighbours from their facing windows and rear gardens at 5 and 7 Kensington Way because of its increased height compared to the existing fence, and its proximity to the southern boundary.
5. The proposed extension would therefore conflict with policy DM4 of the Bassetlaw Local Development Framework Core Strategy and Development Management Policies Development Plan Document which, amongst other things, seeks to ensure that development does not have a detrimental effect on

the residential amenity of nearby residents. It would also fail to comply with policy 48 of the emerging Local Plan regarding the protection of amenity.

Other Matters

6. The appellant considers that there would be a fall-back position whereby a similar detached single storey extension could be built under permitted development rights, although no relevant plans have been submitted. Moreover, in permission ref: 02/03/00002 for the construction of the estate, condition 12 stated that the car parking facilities shown on the submitted plan shall be made available for use prior to the related dwelling being occupied and thereafter retained for this purpose. Therefore, the Council considers that, because the proposed development would be built on the driveway, permitted development rights have been removed by the imposition of the condition. On that basis the appellant's fall-back position would not be a realistic prospect.

Conclusion

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

Martin H Seddon

INSPECTOR