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# Appeal Decision

Site visit made on 4 November 2024

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 25 November 2024**

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**Appeal Ref: APP/Q3060/W/24/3347652**

**156 Russell Drive, Wollaton, Nottingham NG8 2BE**

- 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 Frier, Coalesco Accountants against the decision of City of Nottingham Council.
  - The application Ref 23/02128/PFUL3 (PP-12684146), dated 18 December 2023, was refused by notice dated 12 February 2024.
  - The development proposed is a single storey apartment.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - the effect of the proposal on the living conditions of the occupiers of the adjacent ground floor flat in relation to outlook and daylight;
  - the effect of the proposal on the living conditions of the occupiers of No 2 Pembury Road in relation to noise and disturbance; and
  - whether the proposed apartment would provide acceptable living conditions for the occupiers in relation to outlook, daylight and floorspace.
3. The Council conclude that the proposal represents an overdevelopment of the site due to these concerns, but this is not an issue in itself.

## Reasons

4. The proposal is for a pitched roof ground floor single storey apartment adjacent to the two-storey northern elevation of No 156 Russell Drive, a detached corner building comprising commercial units on the ground floor facing Russell Drive with residential accommodation to the rear and at first floor level. The apartment would be sited within a small open yard/garden area between No 156 and the side boundary of No 2, the first property on Pembury Road.

*Living conditions - adjacent ground floor flat*

5. The new apartment would be constructed immediately to one side of the sole patio doors serving the living room of the adjacent ground floor flat, unduly limiting the outlook from the patio doors by precluding any view to the right.

The amount of daylight entering the room would also be reduced, although the roof form of the apartment would mitigate the loss to an acceptable level. In addition to the outlook from the patio doors, the outlook from the sole bedroom window of the ground floor flat would be unduly restricted by the rear wall of the new apartment which would extend towards No 152 Russell Drive precluding any view to the left. The loss of light would however be acceptable due to the roof form.

*Living conditions – No 2 Pembury Road*

6. The front door and sole patio doors to the living area of the new apartment would face diagonally towards the side boundary of No 2 from less than 4 m away. Both doors would face in the direction of the rear garden of No 2 immediately behind the dwelling where the occupiers are most likely to sit out. Notwithstanding the tall intervening close boarded fence, the close proximity of these doors would be likely to cause undue noise and disturbance to the occupiers of No 2 as a result of doors opening and closing and music emanating from the patio doors when left open particularly in summer. Undue noise and disturbance would also result from use of the small outside amenity area just behind the fence, again particularly in summer.

*Living conditions – new apartment*

7. The outlook from the sole kitchen window and more importantly the sole patio doors serving the living room of the new apartment would be unduly restricted by the tall close boarded side boundary fence of No 2 less than 4 m away. However, the amount of daylight entering these spaces would be acceptable due to the pitched roof bungalow design of No 2. The outlook from the sole bedroom window would also be unduly restricted by the two-storey rear elevation of the main building just a few metres away. In terms of floorspace, at 33 m<sup>2</sup> the apartment would be significantly smaller than the nationally described space standard (NDSS) for a one-bedroom two-person flat<sup>1</sup> of 50 m<sup>2</sup> (and 39 m<sup>2</sup> for a one-bedroom one-person flat) and the bedroom at 10.1 m<sup>2</sup> would not meet the 11.5 m<sup>2</sup> NDSS for a double bedroom although it would meet the 7.5 m<sup>2</sup> standard for a single bedroom. These deficits are not marginal as suggested by the appellant.

**Conclusion**

8. For these reasons the proposal would significantly harm the living conditions of the occupiers of the adjacent ground floor flat in relation to outlook, would significantly harm the living conditions of the occupiers of No 2 Pembury Road in relation to noise and disturbance and would provide unacceptable living conditions for the occupiers of the new apartment in relation to outlook and floorspace. These deficiencies would conflict with Policy 10 of the Aligned Core Strategies 2014 and Policy DE1 of the Nottingham City Land and Planning Policies 2020. These require development to create an attractive and healthy environment, to provide a satisfactory level of amenity for occupiers and nearby residents in respect of outlook, noise and nuisance, to provide room layouts which are functional and fit for purpose, and finally to meet the NDSS. Policy DE2 quoted in the decision notice is not directly relevant to this case.

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<sup>1</sup> The floor plan shows a double bed in the bedroom.

9. The proposal would provide a single dwelling which would have social and economic benefits for the area. However, this benefit is outweighed by the unsatisfactory living conditions that would be provided for the occupiers and the unacceptable impact on the living conditions of adjacent occupiers. The appeal should therefore be dismissed.

*David Reed*

INSPECTOR