



Appeal Decision

Site visit made on 28 January 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Appeal Ref: APP/Q3060/D/24/3355222

27 Woodhall Road, Nottingham, Nottingham City NG8 1JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Reedman against the decision of Nottingham City Council.
 - The application Ref is 24/01073/PFUL3.
 - The development proposed is described as a first floor extension over existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing garage at 27 Woodhall Road, Nottingham, Nottingham City NG8 1JX in accordance with the terms of the application, Ref 24/01073/PFUL3, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans referenced, 736.01 Rev A – Plans and elevations as existing, site location plan; and, 736.02 Rev A – Plans and elevations as proposed, block plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. In the banner above, and in my formal decision, I have amended the description of development to remove reference to an overhanging gutter as this is not necessary to describe the development.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of No.29 Woodhall Road (No.29) with particular regard to overbearing and loss of outlook.

Reasons

5. The appeal dwelling is a two-storey, detached property. The dwelling is set forward of its neighbour, No.29, by some distance, resulting in a staggered building line. To the side of the dwelling is an attached garage, with lean to roof, that is constructed up to the boundary with No.29. No.29 is set away slightly from the appeal dwelling and is set back from the street. To the front is an area laid to hardstanding which is used for off-street parking. The front elevation of No.29 includes windows at ground floor and first floor level.
6. The Councils primary concern is the effect of the development on the nearest first floor window within the front elevation of No.29. There is no dispute between the parties that this window serves a bedroom, which is considered to be primary living space (habitable room). Due to the juxtaposition between the properties, the two-storey flank elevation of the appeal dwelling would be visible from this window at present and, therefore, the view would already be heavily influenced to one side by the appeal dwelling.
7. The proposed extension would bring development at first floor level closer to this window, although I note that a gap would be retained between the properties. However, the first floor position of the window, along with the sloping roof design of the extension, would mean that the flank elevation would not project significantly above the height of the window. Therefore, while projecting well forward of the opening, the extension would not appear as a looming presence over the window to appear unduly overbearing. In addition, the hipped roof design would ensure that some views over the roof would remain. The window would also retain unobstructed views in other directions, meaning that there would not result in a significant sense of enclosure around the window. Given the existing relationship, I find that the change in outlook from the window would not be so significant to have an adverse effect on living conditions.
8. The Council have also raised concern with regard to the effect on the front garden area of No.29. The area to the front of the dwelling is predominantly laid to hardstanding and used as off-street parking rather than private garden space which is primarily located to the rear of the dwelling. Due to its close proximity, the development would be prominent from the external ground level, as the existing development is. However, given the use of this space, it is not considered that any additional overbearing created by the extension would result in adverse living conditions for occupants of that property.
9. For the above reasons, I conclude that the development would not have a harmful effect on the living conditions of the occupiers of No.29 with particular regard to overbearing and loss of outlook. Therefore, the development complies with Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) and Policy DE1 of the Nottingham City Council Land and Planning Policies Development Plan Document – Local Plan Part 2 (2020). Together, amongst other things, these require that development achieves a satisfactory level of amenity for occupiers of neighbouring properties.

Conditions

10. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. I have suggested

that materials match those used on the existing building, which includes elements of render, in the interest of the character and appearance of the area.

Conclusion

11. For the reasons given above the appeal should be allowed.

D Cleary

INSPECTOR