



Appeal Decision

Site visit made on 28 January 2024

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/N1025/W/24/3352026

Flat D, 37 Wharfedale Road, Long Eaton, Derbyshire NG10 3HG

- 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 Rahul Lakhanpal against the decision of Erewash Borough Council.
 - The application Ref is ERE/0724/0006.
 - The development proposed is described as a first floor extension and subdivision to form two flats, construction of additional single storey unit to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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

3. The main issue is whether the development would provide satisfactory living conditions for future occupants with particular regard to light and outlook.

Reasons

4. The appeal site relates to an end terrace, two-storey building which has been converted to flats. The building is sited in a row of properties which includes some commercial uses at ground floor level. The properties have a mix of two storey or single storey outriggers to the rear, some of which have been further extended. The properties have a small yard area to the rear, beyond which is a parking and servicing area which also includes a row of flat roof garages. The garage to the rear of the appeal site is partly demolished. The side boundary adjacent to the appeal site comprises tall brick and blockwork walls, beyond which are the rear gardens of the dwellings on Peakdale Road.
5. The scheme includes, amongst other elements, a single storey extension to the rear which would house one of the proposed residential units. The extension would continue the flank building line of the existing property, which is positioned very close to the tall side boundary wall. The proposed unit would be small with limited internal accommodation comprising one bedroom, a lounge/dining area, kitchen,

and bathroom. While small, it is understood that the unit would provide national housing standards for internal floor space¹.

6. Nonetheless, each of the rooms would have a window within the side elevation which faces directly towards the tall boundary wall. The wall would be separated from the windows by a narrow alley only and, as such, would be positioned at a very close distance from these windows. The window serving the bedroom, kitchen and bathroom would be the sole opening for those rooms. The height and very close proximity of the wall would mean that it would be immediately prominent and dominate the outlook from these internal rooms. This would lead to an overbearing sense of enclosure to the internal spaces. Furthermore, the proximity and height of the wall would significantly block light filtration to these spaces. The lack of sunlight and daylight to the rooms would result in a gloomy and oppressive internal living arrangement for future occupiers.
7. I acknowledge that the living/dining area would benefit from two roof lights and a further opening in the opposite wall which would allow for a greater degree of light filtration and an alternative outlook. However, the bedroom and kitchen would be well used spaces where a good standard of amenity would be expected, which would not be achieved in the scheme.
8. For the above reasons, I conclude that the development would not provide satisfactory living conditions for future occupants with particular regard to light and outlook. Therefore, the development conflicts with Policy 10 of the Erewash Core Strategy (2014) and Policy H10 of the Erewash Local Plan Saved Policies. Together, amongst other things, these seek to provide appropriate amenity standards for occupiers of a development.

Other matters

9. I have had regard to the benefits of the development advanced by the appellant. The appeal site has good access to services and amenities, and the public transport network and, as such, is in a sustainable location. I acknowledge that the development itself would bring with it social and economic benefits during construction and once occupied. The development would also utilise under used previously developed land and deliver much needed housing.
10. I agree that there are clear benefits associated with the development. Nonetheless, whether taken individually or cumulatively, such benefits would not outweigh the clear harm that would arise from a development which would provide significantly adverse living conditions for its future occupants.

Conclusion

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

D Cleary

INSPECTOR

¹ As set out in DCLG document Technical housing standards – nationally described space standards (2015)