



Appeal Decision

Site visit made on 28 January 2024

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th February 2025

Appeal Ref: APPW3005/W/24/3353085

94 Linby Road, Hucknall, Nottinghamshire NG15 7TW

- 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 K Holland against the decision of Ashfield District Council.
 - The application Ref is V/2023/0626.
 - The development proposed is described as the Demolition of Existing Dwelling and Erection of Two New Dwellings, plus New/Modified Accesses onto Linby Road.
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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 the main issues of 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 Issues

3. The main issues are the effect of the development on:
 - i) the living conditions of the occupants of No.92 Linby Road (No.92) with particular regard to loss of light; and,
 - ii) highway safety.

Reasons

Living Conditions

4. The appeal site relates to a detached bungalow which is set within a spacious plot. The dwelling is positioned to one side of the plot, with a generous garden to the side and rear. The surrounding area is residential in character and comprises predominantly detached bungalows and two-storey dwellings of varying design and age.
5. No.92 is located close to the side boundary of the appeal site with a hedgerow boundary separating the two properties. A window is positioned centrally in the side elevation of No.92. Its position projects above the boundary hedge and faces over

the side garden of the appeal site. It is understood that the window serves the second bedroom of No.92.

6. The appellant questions whether the bedroom (as a second bedroom) should be treated as a main habitable room. The Residential Design Guide Supplementary Planning Document (2014) (the SPD) clarifies what the Council would consider to be a habitable room, and what it considers to be non-habitable rooms¹. The SPD makes no distinction between a master bedroom or any other bedroom and, therefore, there is nothing before me to suggest that the room should be treated as anything other than a habitable room.
7. It is understood that the window is the only opening to the bedroom and, therefore, is the sole source of light. The aspect of the window means that it is unlikely to benefit from significant levels of direct sunlight. This, therefore, heightens the importance of the undeveloped space directly to the front of the window created by the spacious side garden at the appeal site. This relatively unconstrained outlook ensures that daylight can filter into the window.
8. The appeal scheme would result in built development sited at close proximity to this window. The window would only be separated from the development by the width of the proposed driveway and the narrow access to the side of No.92. This close proximity would mean that the two storey flank elevation of the development, where it is at its tallest, would be dominant and very apparent from the window. The scale and proximity of the development would lead to a significant erosion of the side garden, which is undeveloped space which helps provide light to the bedroom. Therefore, the development would likely be an obstruction to light and result in a significant reduction in the level of daylight filtering through this sole source of light to the bedroom. As such, the internal space would become more gloomy and oppressive, which would be to the detriment of the living conditions of occupants and I have not been provided with any other technical evidence to be persuaded otherwise.
9. I acknowledge that a fence, up to 2m in height, may be erected along the boundary, utilising existing permitted development rights. Such a fence would be positioned closer to the window than the development proposed, and may also result in a loss of daylight to the bedroom. I have not been provided with any evidence to demonstrate the comparative effects to be satisfied that the impact would be as, or more, harmful as the development proposed. Nonetheless, while being sited close, any boundary would be much lower than the proposed two storey dwelling and, therefore, I am not persuaded that such an arrangement would be as harmful as the development proposed.
10. Therefore, for the reasons given above, the proposed development would have an unacceptable effect on the living conditions of the occupants of No.92 with particular regard to loss of light. Therefore, the development conflicts with Policies ST1 and HG5 of the Ashfield Local Plan Review (2002) (the LP). Together, amongst other things, these seek to ensure that development protects the living conditions of neighbours.

¹ At 3.49

Highway Safety

11. The submitted plan² indicate that three off-street parking spaces would be provided to serve each of the five-bedroom dwellings. At face value this level of provision would be in accordance with the standards set out in Residential Car Parking Standards Supplementary Planning Document (2014)³. However, the Council raise concern that the dimensions would be substandard, having regard to further guidance set out in the Nottinghamshire County Council Highway Design Guide (the HDG), and that on-site manoeuvrability has not been demonstrated.
12. The scheme proposes the majority of the site frontage for each dwelling to be laid to hardstanding. The width and depth of the hard surfaced areas for each dwelling would appear to be sufficient to enable three parking spaces to be provided to the front. While the widths would be constrained, when assessed against the HDG, this would only be marginal and I do not consider that they would be unusable. Nonetheless, the space to the front of each dwelling could easily accommodate two vehicles, with each being well in excess of the suggested standards. It is likely that should a third vehicle not have space to park to the front then the space to the side of either dwelling would be utilised for parking. The depth and width of the remaining hard surfacing area is not insignificant and appears sufficient to allow for vehicles to manoeuvre on site to enable vehicles to exit the points of access in a forward gear.
13. Furthermore, if considered necessary, the extent of hardstanding could be extended further to the side to provide further manoeuvring space, and the final parking/manoeuvring layout can be secured by condition. Whilst not determinative, I also note that the parking arrangements for many properties nearby to be far more constrained with limited on site manoeuvrability when compared to the more generous arrangements proposed for the appeal dwellings.
14. Therefore, I am satisfied that there would be sufficient space within each curtilage to provide for an appropriate level of off-street parking and manoeuvrability to serve each dwelling. As such, I am not persuaded that the development would be so constrained as to lead to on-street parking and, to this end, increased highway danger.
15. With regard to pedestrian visibility it is suggested that this has not been adequately demonstrated and may require the use of third party land. The submitted plan indicate a 2m x 2m visibility splay on the outside of the points of access. This appears to be shown entirely within the appeal site without encroaching on to neighbouring land. The plan does not demonstrate the inside 2m visibility splay from these points of access, although it is likely that these areas would be laid to hardstanding and it would appear as though there is adequate space for such visibility to be provided clear of obstruction. Again, given the generous width of the plot boundaries the pedestrian visibility splays could be provided without resulting in a danger to highway users. Again, the final details of the site frontage treatment can be secured via condition.
16. The site frontage is relatively open and details of the position and height of any proposed front boundaries detail could also be secured via condition. The

² 0923/2348 – 2 Rev B

³ Paragraph 5.2 – Table 4

pavement to the front of the site, which includes a grass verge, has a good width. As such, the width would enable vehicles good visibility in both directions before entering the carriageway. The frontages of neighbouring dwellings also comprise low level walls. These characteristics of the site frontage means that good vehicular visibility could be provided from both points of access with clear views of nearby junctions and bus stops. The access arrangements would not be dissimilar to those in the immediate area and there is nothing before me to indicate that these are unsafe or give rise to highway safety issues.

17. I note the concerns of third parties with regard to on street parking, the effects of nearby development at the leisure centre, and general highway safety concerns. I do not have full details of the development at the leisure centre or the full effects that this may have had on the highway network in this area. Nonetheless, as observed above, I am satisfied that the site could accommodate sufficient off-street parking to meet the demands of the development, without leading to on street parking. I am also satisfied that development can be satisfactorily accessed without leading to demonstrable concerns relating to highway danger.
18. Therefore, for the reasons given above, the proposed development would not have an unacceptable effect on highway safety. As such, the development complies with Policies ST1 and HG5 of the LP. Together, amongst other things, these seek to ensure that development provides safe and convenient access, and not adversely affect highway safety.

Other Matters

19. I acknowledge that the scheme would delivery a net increase of one residential unit, which would boost the supply of housing in the area. I also acknowledge that the site is sustainably located with good access to services and amenities. These benefits clearly weigh in favour of the scheme. However, I do not consider that these would outweigh the adverse impacts in my findings in respect of the first main issue.

Conclusion

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

D Cleary

INSPECTOR