



**Planning Committee**

**15 March, 2018**

**Planning Appeals**

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<b>LOCATION</b>	82 Selby Lane, Keyworth, Nottingham, NG12 5AJ	
<b>APPLICATION REFERENCE</b>	16/02275/FUL	
<b>APPEAL REFERENCE</b>	APP/P3040/W/17/3175732	
<b>PROPOSAL</b>	Extension and alteration of existing garages and games room to form new dwelling	
<b>APPEAL DECISION</b>	Appeal Dismissed	<b>DATE</b> 7 September 2017

## **PLANNING OFFICERS OBSERVATIONS**

The appeal was concerned with the refusal of planning permission under delegated powers on 19 January 2017. The application proposed the extension and conversion of an outbuilding within the rear garden of 82 Selby Lane to form a new dwelling. The Inspector considered the main issues to be the effect of the development on the character and appearance of the area; and the impact upon the living conditions of the occupiers of the neighbouring properties with regard to outlook and the noise and disturbance associated with the proposed vehicular access.

The inspector contended that the proposal would represent a significant shift of the built-up development beyond the edge of the settlement by virtue of its scale and two-storey form. He noted that the site along with the adjoining fields provide a significant contribution to the visual quality and openness of the area and the setting of the settlement. The proposal was considered to constitute backland development with an uncharacteristic layout and a form of development that would not be subservient, failing to promote or reinforce the distinctive characteristics of the area. The site is visible from the rear of a number of properties and the harm arising would not be resolved by the limited impact of the dwelling on the street scene, resulting in an incongruous development. Aspects such as the varied building line, a willingness by the appellant to lower ground levels, the location outside of the Green Belt and the conversion of an existing building do not overcome the adverse effects. The existing garage/games room is a different scale and form and an ancillary structure approved in a different policy context some time ago.

With respect to impacts upon the living conditions of neighbours, whilst the inspector accepted that the neighbours at No. 82a would be used to a certain level of noise/disturbance associated with the existing vehicular access, he considered that the position of the proposed access and separation distance between properties would give rise to an increased level of noise and disturbance to the neighbour and rear garden of No. 82a.

Vehicular and pedestrian movements would be higher than what might be expected from the existing dwelling, resulting in adverse harm to the living conditions of this neighbour. It was not, however, contended that there would be adverse harm to the future occupiers of the host property at No. 82.

In response to the appellant's argument that the layout and design of the dwelling have been carefully considered to minimise impacts upon the neighbour at No. 86, whilst these features together with the proposed boundary treatment and outbuildings at the rear of No. 86 would reduce the impact to some degree, it was considered that the proposal would dominate the views from the rear garden of this neighbour by virtue of its overall height and massing, restricting the outlook from this neighbour.

The Inspector concluded that the proposal would result in harm to the living conditions of Nos. 82a and 86 with particular regard to outlook and the noise and disturbance associated with the proposed vehicular access. The Inspector, therefore, concluded that the appeal should be dismissed.

<b>LOCATION</b>	14 Sandringham Avenue West Bridgford Nottinghamshire NG2 7QS
<b>APPLICATION REFERENCE</b>	16/02783/FUL
<b>APPEAL REFERENCE</b>	APP/P3040/D/17/3171302
<b>PROPOSAL</b>	First floor side extension over existing garage, balcony to first floor.
<b>APPEAL DECISION</b>	split decision part allowed part dismiss
<b>DATE</b>	12th April 2017

## **PLANNING OFFICERS OBSERVATIONS**

The appeal was concerned with the refusal of planning permission under delegated powers on 21 December 2016. The application proposed a first floor extension over the existing double garage to the rear of the property, and the construction of a balcony to the front of the house overlooking the River Trent. The main issues considered by the Inspector were the effect of the development on, firstly, the character and appearance of the area and, secondly, the living conditions of the occupiers of 2 Trentside with particular regard to outlook, privacy and overshadowing.

The inspector noted the character and appearance of the area and the prevalence of repeated features such as front gables, decorative joinery, canted bay windows, arched doorways and low frontage walls which give the street an attractive suburban character. They also noted that the appeal property had previously been extended and was one of the largest properties on the street that occupied a large proportion of its plot. It was considered that the extension would significantly erode the visual and spatial gap at first floor level between no.14 and its immediate neighbour to the east, with the more spacious pattern of development on the opposite side of the street referenced. It was further considered that the extension would relate poorly in architectural terms to the attractive valley roof to the host dwelling and would further increase its size such that it would be decidedly different to anything else in the street. This would represent a marked departure

from the established character of Sandringham Avenue.

The inspector went on to note the small size of the east facing private rear garden at 2 Trentside, adjacent the site. It was considered that the proximity and prominence of extension would thus result in an oppressive outlook from the rear garden of No 2 which would lead to an overbearing impact on the garden which would materially diminish the enjoyment of occupiers of that dwelling. The inspector also shared the Council's concerns that the extension would significantly erode the amount of sunlight to the rear garden of No 2. The two rooflights in the rear roofslope would also create at least the perception of being overlooked.

The Inspector concluded that the development insofar as it relates to the first floor extension, would harm the character and appearance of the area and harm the residential amenity of the adjacent occupiers at 2 Trentside.

The proposed balcony to the front of the building was not referenced in any refusal reasons and could be implemented in isolation to the first floor extensions. The inspector raised no concerns with this element and utilised powers to give a split decision on the development. The inspector concluded that the appeal should be allowed insofar as it relates to the balcony and dismissed insofar as it relates to the first floor extension.

**LOCATION** 52 Boxley Drive, West Bridgford, Nottinghamshire, NG2 7GL

**APPLICATION REFERENCE** 17/01056/FUL

**APPEAL REFERENCE** APP/P3040/D/17/3184748

**PROPOSAL** Two storey front extension,  
single and two storey rear  
extension, front porch

**APPEAL DECISION** The appeal is dismissed insofar as it relates to the single and two storey rear extension. The appeal is allowed insofar as it relates to the single storey front porch extension and two storey front extension.

**DATE** 21 December 2017

## **PLANNING OFFICERS OBSERVATIONS**

The appeal was concerned with the refusal of planning permission under delegated powers on 30 June 2017. The application was for a two storey front extension, single and two storey rear extension and a front porch. The main issue considered by the Inspector was the effect of the development upon the living conditions of the occupants of 50 and 54 Boxley Drive with regards to daylight and sunlight.

The inspector noted that the ground floor of the appeal property projects beyond the extended rear elevations of both Nos. 50 and 54, with the sloping roof plan of the appeal property's side extension projecting beyond the first floor of No. 54. Both neighbours have

first floor rear bedroom windows nearest to and behind the first floor of the appeal property. The existing property causes over shadowing of the rear elevation to No. 54 which contains a lounge and dining room at ground floor. The proposal would form a two storey elevation that would extend considerably beyond the rear elevation of No. 54. Whilst the existing built form does block sunlight in the afternoon, the proposal would increase this to most of the morning, which in conjunction with the scale and massing of the two storey extension would significantly reduce light reaching the rear rooms of No. 54. With regard to the relationship with No. 50, the inspector noted that the first floor rear extension would form an approximately 5 metre stretch of brickwork near to the first floor bedroom window in No. 50, restricting light and resulting in harm to the living conditions of occupiers.

The Inspector noted the appellant's comments regarding consistent decision making in relation to the two storey rear extension to No. 58 Boxley Drive. It is understood that this property already had a rear extension, and in light of a lack of details on this extension this example is given little weight.

The Inspector concluded that the proposed rear extensions by virtue of their design and scale would result in significant harm to the living conditions of Nos. 50 and 54 with regards to daylight and sunlight and that, consequently, this element of the appeal should be dismissed. The inspector considered that the front porch and two storey front extensions would be capable of being constructed independently of the rear extensions, noting that the Borough Council has not raised any concerns regarding this element of the proposal. The Inspector, therefore, concluded that this element of the appeal should be allowed subject to conditions.

<b>LOCATION</b>	The Old Coach House, 45 Main Street, Rempstone, Nottinghamshire, LE12 6RJ.		
<b>APPLICATION REFERENCE</b>	17/01071/FUL		
<b>APPEAL REFERENCE</b>	APP/P3040/D/17/3181218		
<b>PROPOSAL</b>	Detached garage		
<b>APPEAL DECISION</b>	Appeal Allowed	<b>DATE</b>	24 October 2017

#### **PLANNING OFFICERS OBSERVATIONS**

The appeal was concerned with the refusal of planning permission under delegated powers on 6 July 2017. The application proposed the erection of a detached front garage. The main issue considered by the Inspector was the effect of the development upon the character and appearance of the area.

The inspector noted little uniformity in the set back of buildings and that there are modern houses to the east of the site with projecting double garages. The area is not subject to any special designation. Permission has already been granted for a front double garage to No. 45 and weight is given to this as a viable fall-back position and the scheme effectively seeks to re-site this further from the boundary with No. 47. The site is screened from Main Street by a wall and hedge along with a mature pine tree screening views from the east. The upper portions of the garage may be visible and there may be some change to the

setting of the host property, however the building would still be fairly inconspicuous and there is no discernible building line. The Inspector contended that there would not be a loss of openness.

The Inspector concluded that based on the minor changes proposed, the garage would not be dominant, incongruous or injurious to the street scene and there would be no harm to the character and appearance of the area or the setting of the host dwelling. The Inspector therefore concluded that the appeal should be allowed subject to conditions.