

Report of the Executive Manager – Communities

LOCATION	65 Henry Road, West Bridgford NG2 7ND		
APPLICATION REFERENCE	18/00541/FUL		
APPEAL REFERENCE	APP/P3040/W/18/3209895		
PROPOSAL	The development proposed is the extension and alterations to an existing apartment building to create an additional flat.		
APPEAL DECISION	Appeal Dismissed	DATE	21st January 2019

PLANNING OFFICERS OBSERVATIONS

Planning permission was refused for the following reason:

- 1) *The proposed two storey side extension, by reason of siting, massing, size and design, and proximity would have an overbearing impact upon the adjoining property, 63 Henry Road and would fail to remain subservient to the character of the host property. It would result in a development that would be injurious to the character of the street scene and give rise to a visual terracing impact. The introduction of an egress window serving flat 3 would result in a detrimental impact on the residential amenity of property occupiers of number 63 through overlooking, the perception of being overlooked and loss of privacy. Therefore, the development would be contrary to The Residential Design Guide, Policy 10 (2b) of the Rushcliffe Local Plan Part 1: Core Strategy which states:*

Development will be assessed in terms of its treatment of the following elements:

- b) impact on the amenity of occupiers or nearby residents;*
- f) massing, scale and proportion*

The proposal is also considered to be contrary to Policy GP2 (d) of the Rushcliffe Non Statutory Replacement Local Plan which states, inter alia:

Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:

d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an overintensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.

A decision to refuse permission would accord with paragraph 64 of the National Planning Policy Framework which states that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

In dismissing the subsequent appeal the Inspector considered the main issues to be: *'The effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 63 Henry Road with particular regard to outlook, overlooking and privacy.'*

The Inspector stated that *'Whilst the height of the extension would be slightly lower than the existing roof, and the proposal set back slightly, the overall mass and scale of the extension means that the proposal would not appear subservient in this site specific context. Furthermore, the proposed two-storey extension would interrupt the symmetry and rhythm of the street scene, by partially infilling the gap between the pairs of semi-detached houses. As such, the proposal would appear incongruous and visually intrusive resulting in material harm to the character and appearance of the area.'* And that the *'proposal would by reason of its siting, massing, and design would be contrary to Policy 10(2b) of the Rushcliffe Local Plan that seeks amongst other things to ensure that the massing, scale and proportion of development does not lead to an over intensive form of development or be overbearing in relation to neighbouring properties. The proposal would also be in conflict with paragraph 130 of the Framework which refers to development improving the quality of the area.'*

The Inspector considered that *'the proposal would result in a material loss of privacy for the occupiers of the neighbouring property'* and in respect of outlook *'that the proximity of the proposal to the boundary and the massing and design would materially harm the outlook of the occupiers of No 63.'* Concluding that *'the proposal would not conflict with Policy 10 (2b) of the Rushcliffe Local Plan or Policy GP2 (d) of the Rushcliffe Non Statutory Replacement Local Plan in that I have not found loss of privacy in respect of the proposal with regard to No 63 but would conflict with it with regard to outlook.'*

The Inspector concluded that the proposal would *'by reason of its siting, massing, size and design would cause harm to the character and appearance of the area and would harm the outlook of occupiers of No 63 and that harm outweighs my findings with regard to overlooking and privacy.'*

LOCATION	128 Loughborough Road, Bradmore		
APPLICATION REFERENCE	18/001523/FUL		
APPEAL REFERENCE	APP/P3040/W/18/3215447		
PROPOSAL	The development proposed is the erection of two storey side and single storey rear extensions and loft conversion with internal alterations.		
APPEAL DECISION	Appeal Dismissed	DATE	16 January 2019

PLANNING OFFICERS OBSERVATIONS

The proposed development included a 2-storey side extension, a single storey rear addition and alterations to the property's roof. The Council has granted planning permission for a 2-storey side extension and single storey rear extension (Ref 18/00509/FUL). The difference between the approved and appeal schemes relates to the roof alterations which now included a proposed hip to gable extension.

Planning permission was refused for the following reason:

The proposed development, by reason of siting, massing, scale and design, would have an undue overbearing and domineering impact upon the occupants of 126 Loughborough Road. Therefore, the development would be contrary to Policy 10 (2a; 2b & 2f) of the Rushcliffe Local Plan Part 1: Core Strategy which states:

Development will be assessed in terms of its treatment of the following elements:

- a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;*
- b) Impact on the amenity of occupiers or nearby residents;*
- f) massing, scale and proportion;*

The proposal is also considered to be contrary to Policy GP2 (d) of the Rushcliffe Non Statutory Replacement Local Plan which states:

Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:

- d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an overintensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.*

Finally, the development would not adhere to the guidance contained within section 12 of the NPPF -'Achieving well designed places'. Of particular reference the development would be in accordance with Paragraph 130 (Section 12) of the NPPF which states:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The Inspector stated that 'In isolation, the proposed hip to gable roof extension would be of a modest size. However, the proposed roof extension would cumulatively add to the size and bulk of the approved additions to the property. As assessed by the Council, it is this cumulative increase in the size and bulk of the enlarged property which would be an overbearing form of development. This unacceptable harm would be particularly noticeable from the habitable room windows within the original single storey element of No. 126, the conservatory and the bedroom window above the conservatory.

The Inspector considered that 'the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy which requires developments to be assessed in terms of their impact on the amenity of nearby residents. There would be a conflict with Policy GP(2) of the Rushcliffe Non Statutory Replacement Local Plan concerning development not having a significant effect on the amenity of adjoining properties. Although not part of the statutory development plan, it is a material consideration.'

The Inspector concluded that '...although there would be no conflict with Green Belt policy and the significance of the designated heritage assets would be preserved, and there would be an improved standard of accommodation when compared to the approved scheme, these matters are demonstrably and significantly outweighed by the unacceptable harm which would be caused to the living conditions of the occupiers of the neighbouring properties and the conflict with the development plan. Accordingly, it is concluded that this appeal should be dismissed.'