



Planning Committee

12 August 2021

Planning Appeals

LOCATION	33 Fox Road, West Bridgford		
APPLICATION REFERENCE	20/01748/FUL		
APPEAL REFERENCE	APP/P3040/D/20/3264786		
PROPOSAL	Proposed Two Storey Rear Extension and Internal Alterations, to Create no. 2 additional flats.		
APPEAL DECISION	Appeal Allowed	DATE	27 th May 2021

PLANNING OFFICERS OBSERVATIONS

The appeal was submitted against the non-determination of the application. The Borough Council was minded to refuse planning permission for the development on grounds that it would represent over-intensive use and development of the site with inadequate private outdoor amenity space for the future occupiers of the ground floor flat. In addition, it was considered that the proposed development would result in a detrimental overbearing and overshadowing impact on the private amenity to the north of the application site. Therefore, the development would be contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Local Plan Part 2: Land and Planning Policies; and guidance provided with the Rushcliffe Residential Design Guide.

The Inspector concluded that the that the proposal would result in acceptable living conditions for neighbours and future occupiers of the appeal property. Therefore, the Inspector considered that the proposed development would comply with policy 10 of the Local Plan Part 1: Rushcliffe Core Strategy and policy 1 of the Local Plan Part 2: Land and Planning Policies which seek to prevent such harm and the SPD. The appeal was allowed.

LOCATION	Willoughby Service Station, Fosse Way, Willoughby on the Wolds, Nottinghamshire LE14 3QD		
APPLICATION REFERENCE	20/01423/FUL		
APPEAL REFERENCE	APP/P3040/W/21/3267672		
PROPOSAL	Proposed extension to workshop to form MOT station and additional units, change of use of dwelling to MOT reception and admin block and new dwelling with associated garage. (Resubmission).		
APPEAL DECISION	Appeal Allowed	DATE	4 May 2021

PLANNING OFFICERS OBSERVATIONS

The appeal relates to a decision by the Borough Council to refuse planning permission under delegated powers. The application was refused on the basis that the proposal would result in an isolated dwelling in an unsustainable location in the open countryside.

The Inspector considered that the proposal would not result in additional dwelling numbers, as the existing would be removed from housing stock to become an MOT reception building. The proposed dwelling would be in relation to the business rather than open-market, linked to the expansion of business and enterprise in rural areas and helping to secure the long-term future of the business. The Inspector therefore considered that the proposal would not be in conflict with Policy 3 of the Core Strategy or Policy 22 of the Local Plan Part 2.

The Inspector therefore concluded that the appeal should be allowed subject to conditions. An additional condition was imposed to ensure that the existing dwelling remains a business after the new dwelling is built.

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LOCATION	31 Bley Avenue East Leake Nottinghamshire LE12 6NX		
APPLICATION REFERENCE	21/00350/PAA		
APPEAL REFERENCE	APP/P3040/D/21/3271003		
PROPOSAL	Single storey rear extension measuring 5.5m from the rear of the dwelling, having a ridge height of 4m and an eaves height of 2.5m		
APPEAL DECISION	Appeal Dismissed	DATE	17 June 2021

PLANNING OFFICERS OBSERVATIONS

The appeal relates to a determination by the Borough Council to refuse planning permission for a development that would represent over-intensive use and development of the site with inadequate private outdoor amenity space for the future occupiers of the ground floor flat. Permission was also refused given the proposed development would result in a detrimental overbearing and overshadowing impact on the private amenity to the north of the application site. Therefore, the development would be contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Local Plan Part 2: Land and Planning Policies; and guidance provided with the Rushcliffe Residential Design Guide. In determining the appeal, the Inspector agreed with the reasons for refusal and dismissed the appeal.

LOCATION	245 Loughborough Road West Bridgford Nottinghamshire NG2 7EG		
APPLICATION REFERENCE	20/02229/FUL		
APPEAL REFERENCE	APP/P3040/D/21/3268449		
PROPOSAL	Two storey rear extension. Roof remodel for loft conversion including front, rear dormer windows, side dormer window and roof lights. Single storey side lean to conservatory and front garage extension.		
APPEAL DECISION	Appeal Dismissed	DATE	8th May 2021

PLANNING OFFICERS OBSERVATIONS

The site comprises a two storey, detached house which stands in a row of similar properties on the east side of Loughborough Road. The dwelling is built from brick and has a tiled, pyramid-shaped roof. The property is set back 18-20m from the road frontage and has well landscaped front boundaries between 3m and 4m high. As a result the frontage of the property is largely screened from the public realm.

The application form described the proposal as a "Two Storey Rear Extension and roof Space Conversion". The proposal was in effect for a 2-storey rear extension projecting 4m to the rear of the existing building and including a loft conversion above the entire property with a mansard style roof containing dormer windows front and rear and other openings on the side elevations. An extension of the existing single-storey element at the front of the property to extend the garage length by 700mm was also proposed.

The application was refused on three grounds:

- The harm to the character and appearance of the area through the alterations to the roof design of the property;
- The overbearing impact of the rear extension on the neighbouring property; and
- The impact of overlooking from the proposed new openings in the side elevation.

The Inspector dismissed the appeal noting three main issues:

- The effect of the development on the character and appearance of the areas;
- The effect on the living conditions of the neighbours with regards to privacy; and outlook and
- The effect on protected species.

Whilst noting some difference in the designs of houses along Loughborough Road, the Inspector also noted the commonality in the degree of set back and proportions. The inspector noted that the proposal would *"introduce a new roof shape by reason of the gradient of the roof slope being much greater than the existing roof and those utilised on*

the neighbouring houses.” And that “Although the height and eaves of the roof would not be changed, the proposed development would have a bulkier appearance. In result, the development would appear discordant owing to the proposal being divergent from the prevailing character. This is a concern given that a unifying trend is the presence of similarly proportioned dwellings that are set back from the highway by consistent amounts. This means that the proposed development would appear discordant and incongruous within the surrounding area.”

With regard to the impacts on the living conditions of the neighbours the Inspector agreed with the officer concerns that proposed roof shape across the entire property and the proposed rear extension would have a massing akin to a three-storey building. Furthermore, the Inspector also agreed that due to the scale of the proposed development and proximity to the neighbouring properties, the development would have a significant overbearing effect that would result in a loss of outlook for both the users of the rear rooms of the neighbouring dwellings and their respective rear gardens.

The Inspector did acknowledge the appellants suggestion that some of the windows could be fitted with obscure glazing. However, he noted that movement behind the glazing would still be perceptible and noise could be audible should the windows be left open. In consequence, the choice of glazing was not considered to overcome the aforementioned adverse effects on privacy.

Finally, the Inspector considered that due to the scale and scope of the proposed works, the development would disrupt the roof space and potentially adversely affect any bat roosts. This would constitute a significant adverse effect upon a protected species.

The Inspector acknowledged that were they to have allowed this appeal, they could impose a condition that would require a survey into bats to be carried out and, if necessary, to secure mitigation. However, they acknowledged that at this juncture (due to the time of year), it is not possible to identify the effect of the development upon the bat population, it is therefore equally not possible to state the type and scale and mitigation that would be required. As a result, it was not possible to draft a condition of sufficient precision. The Inspector therefore concluded that the proposed development would have an adverse effect on a protected species.

In concluding, the Inspector did consider the improved living conditions for the applicants, but noted that in general planning decisions need to be made in the public interest. The Inspector also noted that the proposal would not have any adverse impact on the highway system, but that these reasons did not outweigh the harm to the character and appearance of the area, the living conditions of the occupiers of neighbouring properties and protected species concluding that the appeal should be dismissed.