

## Report of the Chief Executive

## APPEAL DECISION

APPLICATION NUMBER:	20/00687/FUL
LOCATION:	LAND SOUTH OF 50 PINFOLD ROAD, NEWTHORPE, NOTTINGHAMSHIRE, NG16 2FT
PROPOSAL:	CONSTRUCT 22 DWELLINGS

**APPEAL DISMISSED**

The application was recommended to grant Planning Permission at Planning Committee on 03 November 2021. The Committee resolved to refuse planning permission for the following reason:

***The proposal constitutes an over intensive development of the site and by virtue of the close proximity and single storey nature of the dwellings located on Baldwin Street, the proposal would lead to overbearing, overshadowing and overlooking issues upon the immediate neighbouring properties located on Baldwin Street, to the detriment of their residential amenity. Furthermore, due to the internal roads being private, the proposed development would have a detrimental impact upon the residential amenity of future occupiers of the proposed dwelling through future maintenance of the roads.***

***Accordingly, the proposal is contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to these policies.***

The Inspector considered the main issues were whether or not the proposal would:

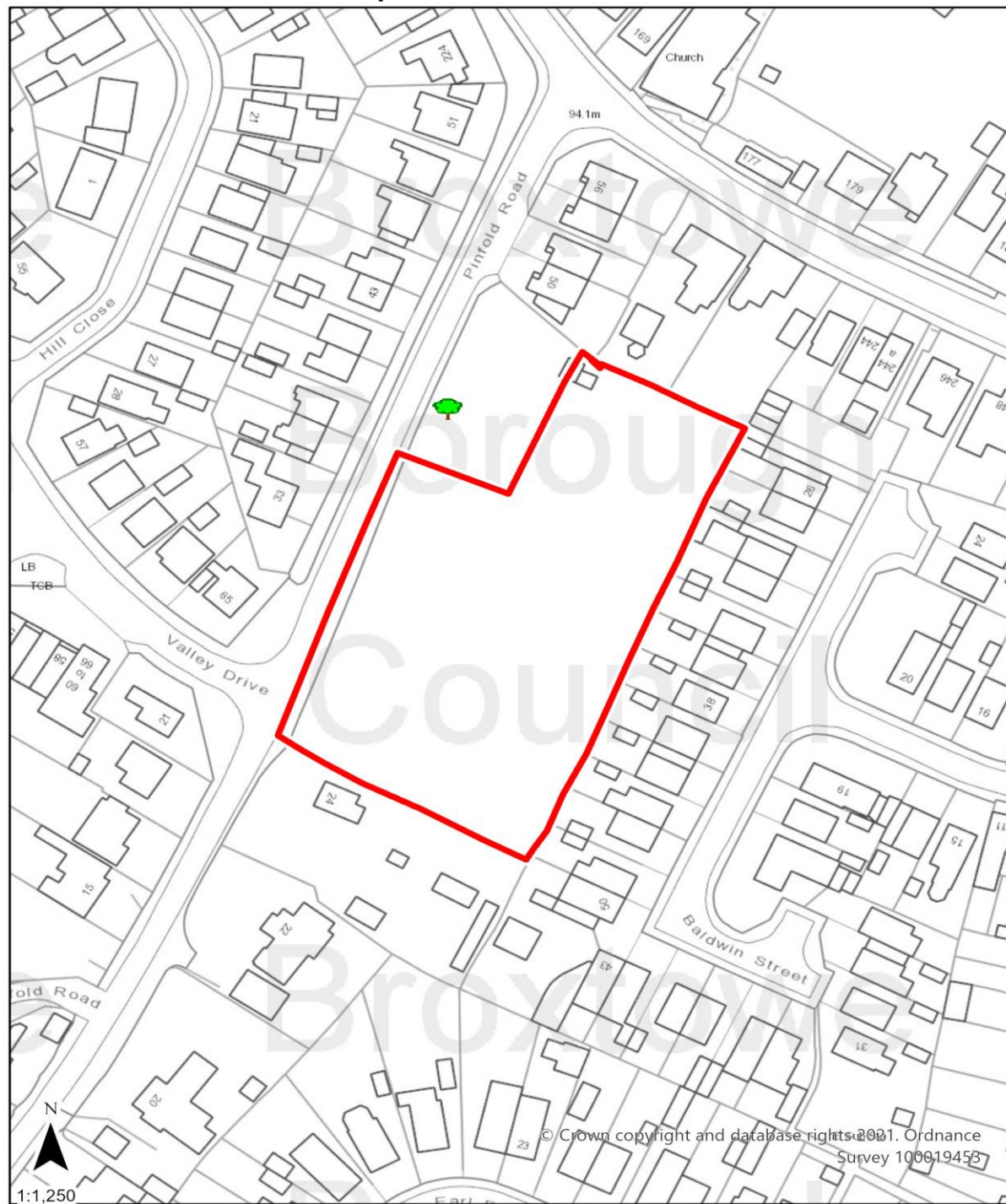
- Lead to harm arising to the living conditions of the occupants of Baldwin Street with particular regard to overlooking and a loss of privacy, sense of overbearing and overshadowing; and
- As a consequence of non-adopted internal roads, lead to an adverse effect on future occupants of the development.

The Inspector considered that given the positioning of some of the proposed houses, large swathes of glazing serving habitable rooms facing directly towards the rear gardens and elevations of the bungalows and the land levels across the site that these neighbouring gardens and rear elevations would be substantially overlooked to the detriment of occupants, despite a 21m separation distance or the proposed perimeter boundary treatment. Furthermore, it was considered that due to the proposed houses being positioned to the west of Baldwin Street, there would be an inevitable loss of sunlight to the rear elevations and gardens in the afternoon to these bungalows, further compromised by the change in land levels. The Inspector considered that as a combination of factors, against the modest scale of the bungalows, their low-level outlook, small rear gardens, and orientation with the appeal site, the facts on the ground including land levels across the appeal site, the

proposal would lead to harm arising to the occupants of the neighbouring bungalows on Baldwin Street.

In respect of the non adoption of the internal roads, the Inspector noted that a legal agreement had been presented with the appeal that sets out the requirement for a Private Road Scheme including details of future management and maintenance of the roads in perpetuity and any transfer of this to a management company. On that basis, the owners of the properties would become responsible for the costs associated with such maintenance and management through a service charge attached to their property. The details of this are further to be agreed between the parties, as set out within the legal agreement. It was further advised that as the homeowners of the development would be responsible for on-going costs associated with maintenance and management, through the terms and conditions laid out by independent management company, the future buyers of houses would be aware of the legal agreement attached to the development and their obligation to on-going costs, before they decide to commit to buying a house. The Inspector concluded on this issue that there was nothing to lead to conclude that pedestrian safety would be severely compromised as a result of the development or that street lighting that is intended to be implemented at the site would not be acceptable, and that as a consequence of the roads being private estate roads, that this would not lead to a detrimentally adverse effect on highway safety leading to harm arising to the living conditions of the future occupants.

## 21/00092/FUL - Site Location plan

**Legend**

- Site Outline
- 🌳 Single TPO