

Report of the Chief Executive

APPEAL DECISION

<b>APPLICATION NUMBER:</b>	<b>22/00127/FUL</b>
<b>LOCATION:</b>	<b>48 Wadsworth Road, Stapleford, Nottinghamshire, NG9 8BD</b>
<b>PROPOSAL:</b>	<b>Retain raised patio and fencing and erect canopy (revised scheme)</b>

**APPEAL DISMISSED**

The application was refused planning 13 April 2022 and at appeal was considered by The Planning Inspectorate.

The application is a revised scheme for previous application (21/00364/FUL) for which the only difference is that for the second application (Appeal B) is that one fence panel would be 30cm lower. This was refused by the planning officers recommendation for the following reasons;

1. *The development as constructed would have an unacceptable impact on the amenity of the occupiers of 50 Wadsworth Road in terms of loss of light and by virtue of its overbearing nature, contrary to Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).*

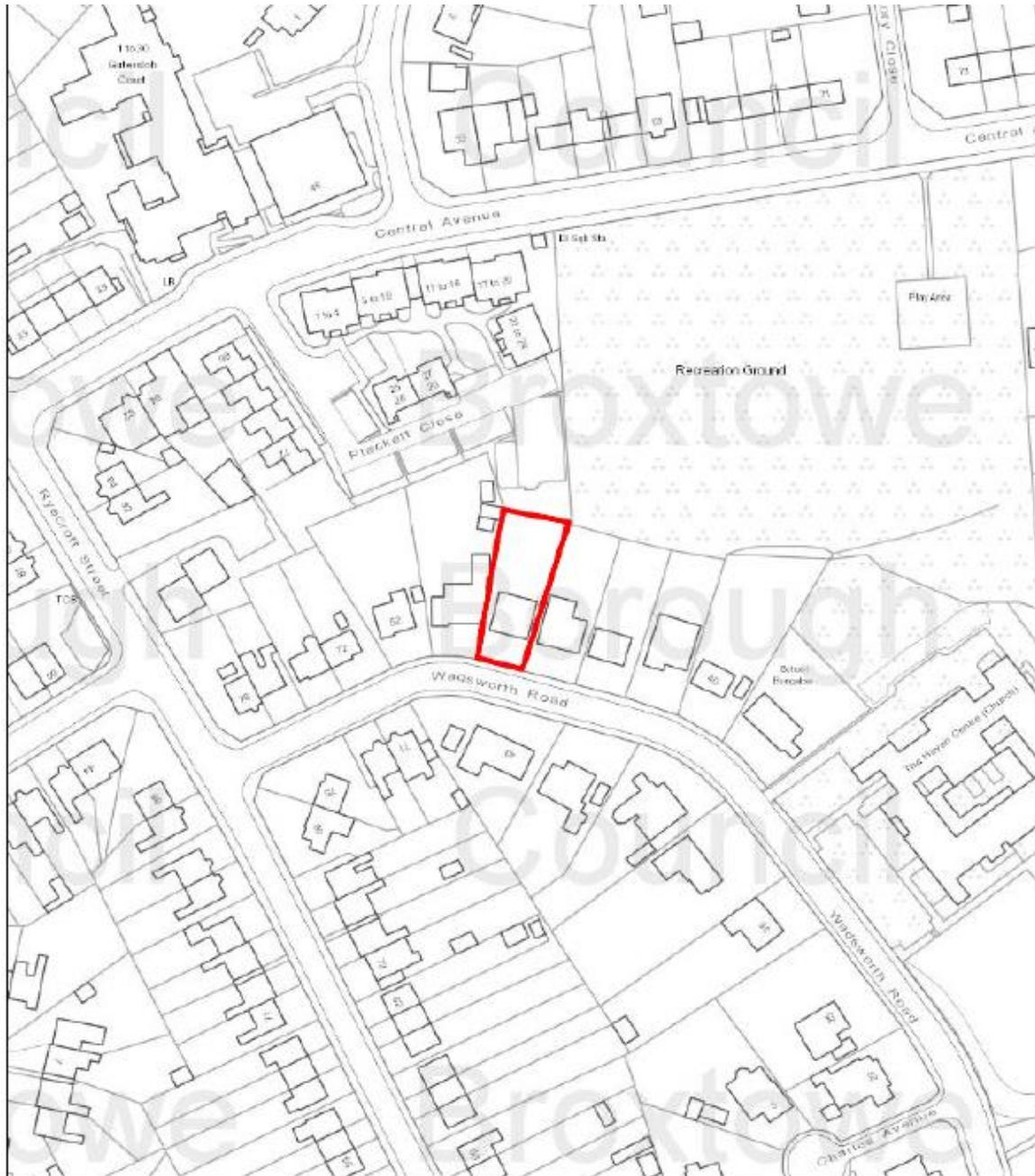
The Inspector considered the main issues were the effect of the proposal on the living conditions of the occupant of the neighbouring property at 50 Wadsworth Road, with particular regard to light and visual impact.

The Inspector considered the generous rear gardens at both properties which slope downwards from the house and also took into consideration the fence levels and that due to the difference in land levels between the appeal property that the fence adjacent to the new patio would be a significant height above the patio level.

The Inspector considered that the adjacent fence has led to a reduction in light to the eastern side, but the northern, western and roof of the conservatory receive ample light and determined that it does not cause an unacceptable overbearing impact or loss of light to the conservatory. The timber canopy to be built will be open and the inspector concluded that given its positioning and height it will not cause any significant loss of light or overbearing impact to number 50.

The Inspector dismissed Appeal B as although the reduction of the fence panel for the second application would allow more light into the conservatory at number 50, it would allow views between the conservatory and proposed patio and as such would result in an impact on the living conditions for the occupiers of number 50. Therefore, Appeal A was allowed and Appeal B dismissed.

**22/00127/FUL 48 Wadsworth Road, Stapleford, Nottinghamshire, NG9 8BD.**



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