

Report of the Interim Chief Executive

Appeal Decision

APPLICATION NUMBER:	25/00354/FUL
LOCATION:	Land to the rear of 137-141 Queens Road, Beeston NG9 2EX
PROPOSAL:	Construct two one-bedroom flats and associated development

APPEAL ALLOWED

RECOMMENDATION BY PLANNING COMMITTEE – REFUSAL

RECOMMENDATION BY OFFICER – APPROVAL

REASON FOR REFUSAL –

The proposal by virtue of its scale and layout would have an unacceptable impact on the amenity of the occupiers of 137 to 145 Queens Road, in terms of loss of light and privacy and through overlooking, due to the distance to boundaries of the neighbouring properties. The proposal also fails to provide sufficient car parking for the development and would increase on street parking in surrounding areas. Consequently, the development would be contrary Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2019.

LEVEL OF DECISION: WRITTEN REPRESENTATIONS

The Inspector identified the main issues as being whether the proposed development would provide adequate living conditions for occupiers of neighbouring dwellings with particular regard to loss of light, overlooking and privacy, and the effect of the proposed development on parking provision and highway safety.

- i) The inspector concluded that in terms of overlooking and privacy, whilst there would be potential for overlooking towards the rear of nos.137-141 to occur, the proposed first floor windows within the side elevation would be limited in size and the overlook would result in brief and transitory views, therefore any such views would be momentary and would not constitute sustained or intrusive overlooking towards the rear of nos.137-141. The inspector also noted that while the proposal will introduce direct views from first floor windows in the rear elevation towards properties on Hawthorn Grove and 143-145’s rear gardens, it was concluded that there is already a significant degree of intervisibility due to the existing relationship, orientation and limited separation distances.
- ii) The inspector considered that any potential overlooking and loss of privacy from the ground floor patio doors and windows within the side elevation towards nos.137-141, it could be adequately mitigated through the provision of an appropriate boundary treatment.

- iii) With regard to the potential impact on light to neighbouring properties, having regard to the separation distance, orientation and roof form, it is considered that the scheme would not give rise to a material reduction in daylight or sunlight to any neighbouring habitable rooms or their private amenity spaces.
- iv) The inspector concluded that subject to the imposition of planning conditions, the proposed development would not cause material harm to the living conditions of neighbouring occupiers in terms of loss of light, overlooking or loss of privacy.
- v) In terms of parking provision and highway safety, whilst the site has been used for vehicle parking on an informal basis, no formal arrangement is currently in place that provides permission for residents to park their vehicles within the site. Therefore the use of the site as informal parking does not carry the weight of a formal parking entitlement.
- vi) The Inspector determined that whilst there would be a lack of on-site parking, given the availability of public transport and local facilities in Beeston town centre being reachable on foot, the evidence does not indicate that the current capacity for on-street parking within the vicinity of the appeal site is inadequate such that additional vehicles resulting from the proposed development, or those displaced from the appeal site, would be likely to lead to unacceptable levels of on-street parking that would cause harm to highway safety.

Conclusion

The Inspector found that subject to the conditions, the proposal is acceptable in terms of neighbour amenity, character of the area and highway safety, and the appeal is allowed.