

**Report of the Chief Executive**

**APPEAL AND COSTS DECISIONS**

<b>APPLICATION NUMBER:</b>	<b>20/00127/FUL</b>
<b>LOCATION:</b>	<b>1A Trevor Road Beeston Nottinghamshire NG9 1GR</b>
<b>PROPOSAL:</b>	<b>Construct two storey rear/side and single storey rear extensions and raised decking</b>

**ORIGINAL RECOMMENDATION BY OFFICER - APPROVE**

**ORIGINAL REASON FOR REFUSAL** - The proposed extension and decking would result in an unacceptable loss of amenity for the residents of the neighbouring properties due to the height of the two storey side/rear extension, the higher level of the site compared to neighbouring properties and the proximity of the extension to the side (north east) boundary. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

**LEVEL OF DECISION: PLANNING COMMITTEE**

**APPEAL ALLOWED**

The Inspector considered the main issue was the effect of the proposal on the living conditions of the occupiers of neighbouring properties, in particular 1 Trevor Road by way of outlook, visual impact, light and privacy.

The Inspector considered that the effect on the outlook from no. 1's kitchen window would not be unacceptable due to the height of the proposal, that proximity would not be as such that the sense of enclosure would amount to an overbearing effect and that the difference in levels is not an issue, especially as the facing wall of the proposal would be set down in height from that of the existing house. Light would still reach the kitchen window of no. 1 in the afternoon and evening times and that the angling away of the proposal from the boundary towards the garden would also assist in this regard.

In regards to the raised decking, the Inspector noted that it would be set at a lower ground level than the existing patio and unlike the patio, it would be screened. Further screening to part of no. 1's garden would also be afforded by the proximity of the garage building to the boundary and overlooking from the proposed raised decking would be limited.

The Inspector noted that the effect on other neighbouring properties would not warrant a refusal. The Inspector concluded that there would not be an unacceptable effect on the living conditions of neighbouring properties, in particular no. 1, by way of outlook, visual impact, light and privacy.

**COSTS DECISION: REFUSED**

The applicant's costs claim was based on the grounds that the Council prevented development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations; failed to produce evidence to substantiate each reason for refusal on appeal; made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; acted contrary to, or not following, well-established case law; and did not determine similar cases in a consistent manner.

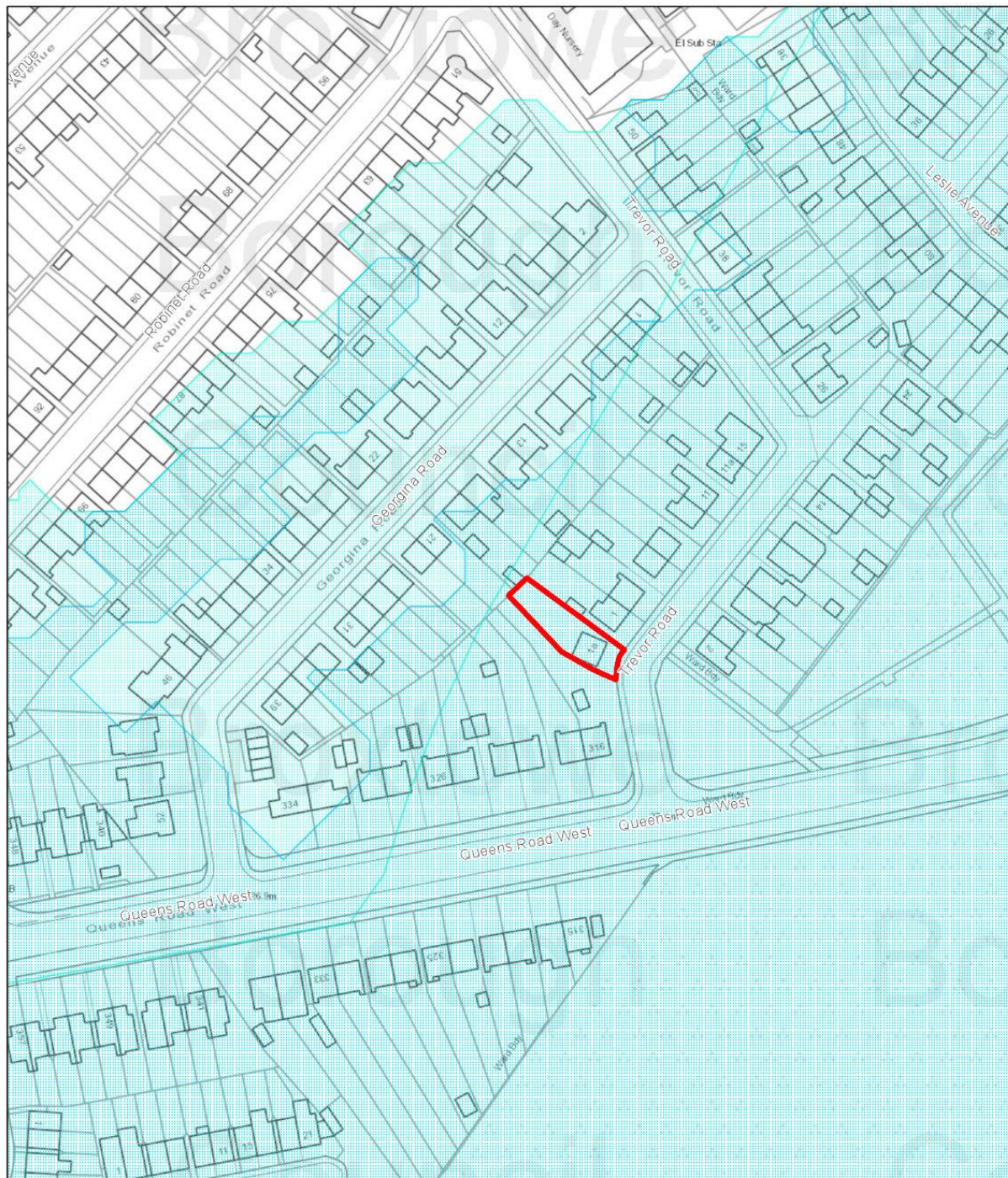
The Inspector noted that whilst the decision was taken against officer recommendation, a planning decision is a matter of judgement and Council Members are entitled not to accept the professional advice of their officers so long as a case can be made for a contrary view. The Inspector noted therefore that the Council's decision was not without merit, because the reason for refusal included policies from the development plan that were relevant to the amenity. The Council had also not been able to substantiate its decision on appeal, as it is not permitted to produce a written statement to detail its concerns under the Householder Appeals procedure.

The Inspector considered the grounds for refusal were sufficiently explained and the Committee minutes were consistent with this reason, which did not amount to vague, generalised or inaccurate assertions about the proposal's impact. The applicant was also able to address the Planning Committee and the Members were made aware of the 'fallback' position as the applicant made reference to it at the Planning Committee.


In regards to consistency, the Inspector noted that another decision taken by Members, where the potential reasons for refusal were summarised by the officers, was not a similar case. In regards to decision making, it is the Council's prerogative as decision maker to attribute weight to such considerations as they see fit. The Inspector stated that matters in relation to probity and the conduct of the Council Members, and associated publications, cannot be commented upon.

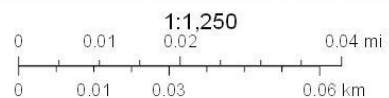
The Inspector concluded that unreasonable behaviour, resulting in unnecessary or wasted expense, had not been demonstrated.

### 1a Trevor Road



5/5/2020, 4:05:01 PM

-  Flood Zone 2
-  Flood Zone 3
-  Site



© Crown copyright and database rights 2020. Ordnance Survey 100019453. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form