



Appeal Decision

Site visit made on 10 January 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/B3030/D/21/3286051

The Gables, Toad Lane, Epperstone, Nottinghamshire, NG14 6AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms L Dulson against the decision of Newark & Sherwood District Council.
 - The application Ref: 21/01329/HOUSE dated 11 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is a single storey side extension and formation of first floor over garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The one main issue is the effect of the proposed first-floor extension on the living conditions of the occupiers of The Old Forge.

Reasons

3. The proposal comprises two elements: A first floor extension over the existing garage and a single-storey extension to one side with a lean-to roof.
4. The Gables is a modern infill property in the village of Epperstone which is within the Green Belt. It is also within the Epperstone Conservation Area and close to a number of grade II listed buildings including The Old Forge, Den Cottage, and Sunny Row.

Green Belt

5. National policy on Green Belt development is set out in chapter 13 of the *National Planning Policy Framework* (the Framework), which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances unless it falls within the closed lists of exceptions. These include extensions which would not result in disproportionate additions over and above the size of the original building. Although the Council has no policy guidance regarding what might constitute a disproportionate addition, it uses an informally adopted upper threshold of 50% and has concluded in this case that the proposed extensions would not be inappropriate development. I have found nothing that would lead me to take a different view and therefore do not need to consider the Green Belt issue further.

Conservation Area/Setting of Listed Buildings

6. The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires special regard to be given to the desirability of preserving listed buildings and their settings, and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy 14 of the *Newark & Sherwood Amended Core Strategy March 2019 (CS)*, DM9 of the *Newark & Sherwood Allocations and Development Management Development Plan Document July 2013 (DPD)*, and EP16 of the *Epperstone Neighbourhood Plan December 2019 (ENP)* all reflect the statutory duties in the Act and National policy on the historic environment set out in the Framework.
7. The Council says amendments made to the present scheme, insofar as it relates to the first-floor extension, (lower ridge height and omission of dormer) have alleviated its design/appearance concerns regarding the previous application and is satisfied that the proposal would preserve the character and appearance of the conservation area and would not be harmful to the setting of nearby listed buildings. Based on the evidence and my own observations I find no reason to reach a different conclusion.

Main Issue – Effect of first-floor extension on living conditions of The Old Forge

8. Due to its small scale and discrete positioning, I consider that the proposed single-storey side extension would not result in any detrimental impact on the living conditions of any neighbouring dwelling.
9. My main concern relates to the impact of the proposed first-floor extension on the living conditions enjoyed by the occupiers of The Old Forge. The proposed first floor extension would be added above the existing garage (which is one of the previously approved extensions to the dwelling). Its rear and north side elevations abut the rear garden and parking area of The Old Forge. There would be no increase in footprint but in the amended scheme before me the rear eaves height would be increased in height compared with the existing structure to about 3.8m (from 2.51m) and the ridge height to about 6.17m (from 5.12m). These heights are lower than the previously refused scheme, (by about 0.51m and 0.28m respectively).
10. I have considered the effect of the proposal on the outlook from The Old Forge on the basis of any harm that could be caused by an overbearing development, rather than a loss of view.
11. Notwithstanding the revisions which have been made to the overall height, I consider the proposed extension would appear overbearing and somewhat oppressive when seen from the rear-facing rooms and rear garden of The Old Forge. Although it would be seen against the backdrop of the taller main part of the house, the overbearing impact of the heightened garage would be compounded by the close proximity of The Old Forge to the extension (about 9.0m at its closest point) and the slight change in ground levels (The Old Forge being set lower than the floor level of the garage of The Gables). It would thus result in a greater feeling of enclosure than that arising from the existing garage and dominate part of the garden. As such, the proposal conflicts with DPD Policy DM6 which, among other things, says permission for householder development will only be granted where there is no adverse impact on the amenities of neighbours, including loss of privacy, light, and an overbearing development.

12. The *Householder Supplementary Planning Document* (SPD) says proposals should be carefully designed to avoid unacceptable overbearing impacts and should not dominate a neighbouring property or result in principal habitable room windows being presented with a building that appears visually obtrusive or overbearing. Similar considerations also apply to neighbouring private amenity space. The SPD explains that such impacts are most likely to occur where (as here) two-storey development is proposed along shared boundaries. Although the SPD does not define what might be an acceptable separation distance, I consider the proposal would conflict with this guidance due to its height, position on the common boundary, and proximity to The Old Forge.
13. Overall, I conclude on the main issue that the proposal would harm the living conditions of the occupiers of The Old Forge in terms of outlook and an overbearing form of development. As such, it would conflict with DPD Policy DM6 and advice in the SPD.

Other Matters

14. I fully sympathise with the appellant's desire to provide additional family accommodation; and accept that any further height reduction would compromise the useability of the first-floor accommodation because of the low eaves and would not meet the appellant's requirements. The proposal accords with the thrust of the supporting text to CS Policy CP9, which says new accommodation should be flexible, reduce the need to move, and make effective use of land. I also note the letters of support which point out that the design is in keeping with the original property and that the extension would allow a young family to stay in their home in the village. However, alternative ways of providing further accommodation may be possible, and I do not consider these factors outweigh the harm that would be caused; particularly as personal circumstances and the ownership of property change over time.
15. The appellant has referred to other instances where proposals of a similar nature have been permitted in the village. The first is at 'The Hendre' where a two-storey extension has been permitted at right angles to, and off-set from the adjacent dwelling 'The Gray House'. The second is for a two-storey extension to the rear of 'Slaughter House Cottage', where the extension runs along the side boundary of 'South View Cottage' alongside what is stated to be the main aspect amenity area for that property. However, although plans have been supplied, I have no other details of these developments or the circumstances which led to them being considered acceptable. Therefore, I cannot draw any meaningful comparisons with the appeal scheme or infer that any kind of precedent has been set. In any event, each application and appeal falls to be considered on its own merits.

Conclusion

16. The proposed extensions would not result in any Green Belt harm and I consider there would be no harmful impact on the character or appearance of the conservation area or the setting of nearby listed buildings. I also accept that no unacceptable overshadowing would occur as a result of the development, and that any privacy concerns arising from the proposed roof lights could be addressed by an appropriate condition.
17. However, and although a finely balanced decision, this does not overcome the harm that would be caused by the proposed first floor extension to the living

conditions of the occupiers of The Old Forge. This amounts to a significant, substantial, and overriding objection which must be decisive.

18. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR