



Appeal Decision

Site visit made on 3 May 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26/05/2022

Appeal Ref: APP/P3040/W/21/3289327

Springfield, Radcliffe Road, Holme Pierrepont, Nottingham NG12 2LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Daneshmanesh of Danesh Property Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref 21/01276/FUL, dated 20 April 2021, was approved on 27 October 2021 and planning permission was granted subject to conditions.
 - The development permitted is demolition of outbuilding and the erection of a two-storey side extension to the existing dwelling.
 - The condition in dispute is No. 2 which states that:
The development hereby permitted shall be carried out strictly in accordance with the planning statement submitted on the 22nd April 2021, and revised plans submitted on the 17th September 2021.
 - The reason given for the condition is:
For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Rushcliffe Borough Council against Mr Daneshmanesh of Danesh Property Ltd which is the subject of a separate decision.

Preliminary Matters

3. The appeal site lies within the Nottingham Derby Green Belt. I note that the Council has concluded that the proposal would not be inappropriate development within the Green Belt. That is because the development would not increase the floorspace of the property by more than 50%, which the Council considers to be acceptable. I have no reason to disagree with this assessment based on the evidence before me and my observations on site.

Background and main issue

4. Planning permission 21/01276/FUL allows the demolition of an outbuilding and the erection of a two storey side extension to the dwelling. Condition 2 on the permission specifies the approved plans for the development. As shown on the approved plans, the extension would have a dormer window to the front roof slope. The superseded plans¹ did not include a dormer window to the front of

¹ Drawing ref RL11 and RL13 Rev A

the extension and it is this scheme that the appellant is seeking to revert to. The appellant therefore seeks to vary condition 2 to reference the superseded plans, instead of the approved plans listed under condition 2.

5. The main issue is whether the disputed condition is necessary and reasonable in the interests of protecting the character and appearance of the host building and the wider area.

Reasons

6. The appeal site comprises a two storey detached red brick dwelling. An established conifer hedge within the front garden of the appeal property partly screens it from the A52. The front elevation of the appeal property includes two ground floor windows either side of a front porch with two dormer windows directly above and a steeply sloping roof, which gives the building a well-proportioned, symmetrical appearance. Consequently, the property has a pleasing, traditional character which contributes positively to its rural surroundings.
7. At the Council's request, amendments to the original proposal were submitted during their consideration of the application to reduce the size of the two storey side extension to ensure that it appeared subservient to the original building and also include a dormer window to the front roof slope of the extension.
8. The approved plans show that the dormer window would be positioned midway above the eaves of the extension at the same level as the existing front dormers and it would be of the same size and style as the existing, including an arched window opening. Accordingly, the dormer window would ensure that the extension reflects the architectural style and detailing of the existing building, particularly in relation to its roof.
9. The superseded plans feature an extension with a plain roof slope also set back from the front elevation and below the existing ridge of the property. It would not contain the roof detailing that the existing dormer windows provide. Moreover, the first floor window would be set below eaves level. That would result in an unsympathetic relationship with the existing first floor openings which are positioned above the eaves. Therefore, the position, proportions and style of the first floor window would not match the existing arched window openings. As a result, the superseded design would not assimilate well with the roof scape or fenestration of the existing property and would detract from its character and appearance. Given this, it follows that the contribution that the property makes to its surroundings would be diminished.
10. Although the conifer hedge to the front garden provides some screening of the property, it would not adequately screen the proposed extension from views along the A52. From here the proposal would appear as an incongruous and unsympathetic form of development.
11. For the above reasons, I conclude that Condition 2 is both necessary and reasonable in the interests of protecting the character and appearance of the host building and the wider area. The proposed change to the condition to vary the approved plans and thereby remove the dormer would be contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). In summary,

and amongst other things, these require that the scale, design and layout of all new development be sympathetic to the character of the area.

Other Matters

12. I acknowledge that the removal of the front dormer would reduce the capacity of the south facing roof of the extension to accommodate solar panels and to generate energy in a sustainable manner. However, given the small scale of the development any such public benefits would be limited and would not outweigh the harm to the character and appearance of the host building and its surroundings as identified above.
13. An interested party has requested that the window to the side of the extension be obscured. The plans indicates that this window would be obscured and Condition 4 of the planning permission would secure this. The interested party also raises concerns about the possible use of the appeal property as a business and an increase in the number of vehicles using the site's access point onto the A52, which they consider would be dangerous and result in noise and vibration. However, the possible use of the property for business purposes is a separate matter which is outside the scope of this appeal.

Conclusion

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Offerenshaw

INSPECTOR