



Appeal Decision

Site visit made on 6 February 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/J3015/W/23/3325882

The White House and Three Chimneys, Nottingham Road, Nuthall, Nottinghamshire NG16 1DP

- 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 Mr S Singh of Home Farm Ltd against the decision of Broxtowe Borough Council.
 - The application Ref 22/00650/FUL, dated 8 August 2022, was refused by notice dated 24 April 2023.
 - The development is addition of basement and change of use of conservatory extension to The White House and Three Chimneys to create a separate dwelling house known as the Glass House (Retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the main issues below are considered. References in the decision are to the December 2023 Framework.
3. The development has been implemented. I have assessed the appeal scheme and based my decision on the plans before me.

Main Issues

4. The main issues are:
 - whether the development is inappropriate development in the Green Belt, including its effect on openness and the purposes of including land within the Green Belt;
 - whether the development provides acceptable living conditions for occupiers with regard to natural light and outlook; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate Development

5. Policy 8 of the 2019 adopted Broxtowe Borough Council Part 2 Local Plan 2018-2028 (the Local Plan) states that applications for development in the Green Belt will be determined in accordance with the Framework, as supplemented by locally specific points.
6. The Council considers that a new dwelling has been created through the conversion of the conservatory and the creation of a basement. The construction of a new dwelling does not fall within any of the exceptions in paragraph 154 of the Framework. As such, it is inappropriate development.
7. The appellant argues that the proposal represents a conversion rather than a new building. Exception d) of paragraph 155 of the Framework allows for the re-use of buildings provided that the buildings are of permanent and substantial construction. This exception is subject to the requirement that the development preserves the openness of the Green Belt and not conflict with the purposes of including land in it.
8. The external above ground changes that have been made to the conservatory to accommodate the change of use to a dwelling are limited, being mainly the installation of four skylights in the patio area. However, the change of use from a conservatory to a separate dwelling has changed the nature of the use of the site. More intensive domestic activities are associated with an additional and separate household, together with the related paraphernalia such as additional waste bins, garden furniture, play equipment and vehicles. These all have a volume and have some, albeit limited, impact on the openness of the Green Belt. In addition, given that the conservatory is now the main living space of a separate dwelling, there is also likely to be more illumination associated with its use. These factors also have something of an encroaching urbanising effect, at odds with the Green Belt purpose relating to urban sprawl.
9. The harm to openness and Green Belt purposes is limited. Nonetheless, in my judgement, the development does not meet the exception at paragraph 155 d) of the Framework.
10. The basement was not included in the planning application for the construction of the conservatory. Insufficient evidence has been presented to allow me to conclude that the basement existed before the conservatory was built. Consequently, the basement that is part of the dwelling represents an extension or alteration. If a proposal to re-use a building includes any extensions or alterations, these also have to be considered under the exception at paragraph 154 c) of the Framework. That is, would the extension or alteration result in a disproportionate addition over and above the size of the original building.
11. The conservatory was granted planning permission under the previous development plan which considered extensions of more than 50% to be disproportionate. The appellant's evidence identifies that the conservatory, as approved, would have increased the volume of the relevant buildings as a whole by 44%. Individually, the appellant identifies that the conservatory would have increased the volume of the White House by 35%, and 42.5% for the Three Chimneys. The basement is identified as comprising around 90

square metres out of the total floorspace that has been created of around 170 square metres. Policy 8 of the Local plan states that disproportionate additions to a building will be treated as those that, taken cumulatively, exceed 30% of the volume of the original building. From the evidence before me, the development exceeds this figure.

12. The basement has increased the scale of the building significantly and out of proportion with its original form. In my view, the development may fairly be described as 'disproportionate' within the terms of the Framework and Policy 8 of the Local Plan. The development does not therefore fall within exception c) in paragraph 154 of the Framework.
13. Consequently, even if I were to accept the appellant's position that the development is a re-use of a building and not a new dwelling, it still amounts to inappropriate development in the Green Belt.

Living Conditions

14. The basement has four rooms. On the plan titled 'Floor Plans Basement ref: HM1605' two of the rooms are annotated as bedrooms, one as a cinema and one as a gym. On the plan titled 'Basement Plan as Proposed', the cinema room is denoted as a bedroom while there is no annotation on the gym room.
15. There is no dispute between the main parties that the room identified as a cinema on one of the floor plans is being used as a bedroom. This tallies with my site visit observations. This room is only served by a sun pipe. From what I observed during my site visit, the room is very dark, receiving only a very limited amount of natural light. Artificial light would be required for much of the day to undertake typical household activities. In addition, the room has no outlook. The combination of no outlook and lack of natural light results in a poor standard of accommodation for occupiers.
16. I have had regard to the appellant's suggestion that a planning condition could be imposed such that only the two basement rooms with rooflights are occupied as bedrooms. However, I am not persuaded that such a condition would be enforceable.
17. Consequently, I conclude that the development does not provide acceptable living conditions for occupiers with regard to natural light and outlook. As such, it conflicts with the residential amenity requirements of Policy 17 of the Local Plan, Policy 10 of the 2014 adopted Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan, and the Framework.

Other Considerations

18. The appellant argues that the granting of planning permission for the development will make a small but very important contribution towards the funding of the restoration and conversion of the listed buildings on the wider site. There is no clear evidence before me to confirm how the revenue from the dwelling that has been created is supporting the funding of restoration works for the listed buildings. The viability information that has been submitted was prepared several years ago and in the context of the withdrawn application¹ to restore and convert the listed farm buildings and coach house to create residential units and to construct additional new build dwellings.

¹ Reference 18/00843/FUL

19. The development makes a limited contribution to the supply of housing in a location reasonably close to services and facilities. I give this benefit commensurate positive weight. While it may be the case that the development causes no harm to the living conditions of neighbouring residents, a lack of harm is effectively neutral in the planning balance.
20. The effect on heritage assets does not form part of the Council's reasons for refusal. However, the duties imposed through the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to consider the effect of the proposal on the Nuthall Conservation Area (the CA) and the setting of the Grade II listed Home Farm and the adjacent courtyard buildings. The development has not had any notable changes to the exterior of the conservatory that would impact on the setting of the listed buildings or the character or appearance of the CA. There are already a number of residential units in proximity to the listed buildings and within the CA. I am satisfied that the development does not harm, and therefore preserves, the setting of the listed buildings and the character and appearance of the CA.

Planning Balance and Conclusion

21. The development is inappropriate development in the Green Belt. I attribute substantial adverse weight to this matter. Additionally, I have found harm to the living conditions of occupiers with regard to natural light and outlook. I conclude that the harm by reason of inappropriateness in the Green Belt and the harm to the living conditions of occupiers would not be clearly outweighed by the other identified considerations so as to amount to the very special circumstances required to justify the development. The development therefore conflicts with the requirements of section 13 of the Framework and Policy 8 of the Local Plan as summarised above.
22. Consequently, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR