



Appeal Decision

Site visit made on 24 March 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 MAY 2025

Appeal Ref: APP/B3030/D/25/3359286

89 London Road, Newark on Trent, Nottinghamshire NG24 1SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Penelope Carey against the decision of Newark and Sherwood District Council.
 - The application Ref is 24/01760/HOUSE.
 - The development proposed is to remove the existing flat roof and parapet wall and erect a first-floor rear extension on the footprint of the existing rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupants of No 91 London Road (No 91) having regard to outlook and daylight.

Reasons

3. The appeal site is located within a suburban area of Newark, characterised in the immediate vicinity by large, detached properties set within substantial plots. No 89 London Road (No 89) is a red brick villa style property, most probably built in the early 1900s, which has previously been extended. A conservatory extends significantly beyond the existing property and a large single storey flat roofed extension extends to the rear. Several outbuildings and garages sit within the garden of No 89, which wraps around the property given its corner location adjacent to The Avenue.
4. One wall of the flat roofed extension sits on the boundary with No 91. The front boundary of No 89 with London Road consists of tall solid fencing and an access gate. A substantial tree and shrub boundary borders the site to The Avenue, which is a private road providing access to numerous properties.
5. A first-floor extension is proposed above the existing single storey extension. No increase in building footprint is proposed. The roof of the extension would be half hipped and asymmetrical, with a larger roof slope to No 91. The ground floor windows would remain unchanged. However, first-floor windows would be installed

facing into the appeal site and three roof lights would be installed on the roof slope facing No 91.

Character and Appearance

6. No 89 is not a property that is easily viewed from the public domain due to being set back from London Road, and the presence of significant boundary features.
7. The proposed extension would create a property that is not dissimilar in overall footprint and scale with other properties in the immediate vicinity. Furthermore, it would appear subservient to the host property, with regards to scale and massing, when viewed intermittently along London Road and The Avenue due to the lower ridge and eave heights of the roof and narrowness of the extension when compared to the existing property.
8. However, the effect of a proposed development on the character and appearance of a property and surrounding area is not solely related to how the proposal is viewed or experienced from the public domain. Consideration must be afforded to how the proposal is observed, and assimilates itself with its surroundings, from the private domain, such as from neighbouring properties and gardens.
9. The proposed roof slope facing No 91 would be significant in height and depth, which is at odds with the roof profile of the host and neighbouring properties that are much shallower in design. The expanse of roof slope would create an extension that would be top-heavy in appearance and incongruous when viewed from neighbouring properties, particularly the rear garden of No 91, to the detriment of the character and appearance of the host property and the surrounding area.
10. For the above reasons, I find significant harm to the character and appearance of the host property and the surrounding area, contrary to Core Policy 9 of the Newark and Sherwood Amended Core Strategy Development Plan Document (2019) (CS DPD) and policies DM5 and DM6 of the Newark and Sherwood Allocations and Development Management Development Plan Document (July 2013) (ADM DPD). These policies seek to ensure that, amongst other matters, development proposals reflect the rich local distinctiveness of the district's landscape and character of built form in their scale, form, layout and design.

Living Conditions

11. It is acknowledged that amendments have been made to the proposal since the previously refused planning application¹, which resulted in a reduction in ridge and eave height.
12. However, the proposed first floor extension would remain above an existing single storey extension, one wall of which is directly onto the boundary between No 89 and No 91. This lack of separation distance, together with the considerable length of the extension, significantly beyond the rear elevation of No 91, renders the existing ground floor extension prominent when observed from the rear garden and rear internal living space of the neighbouring property. The addition of a first-floor extension, by way of an increase in massing, would create a feeling of overbearing and an unacceptable enclosing effect, particularly on the garden space enjoyed by the occupants of No 91 to the detriment of their living conditions.

¹ The Council Ref 24/00835/HOUSE.

13. The eaves to the rear of the proposed extension would be at a similar height to the roof of the existing single storey extension. Furthermore, the shallowness of the proposed roof slope would result in the ridgeline being a considerable distance from the boundary of No 91. Together with the orientation of the properties, I do not consider that the amount of daylight to the garden and internal living spaces of No 91 would be reduced to a level that would cause harm to the living conditions of the property's occupants.
14. Overall, I find significant harm to the living conditions of the occupants of No 91 with regards to outlook, contrary to Core Policy 9 of the CS DPD and policies DM5 and DM6 of the ADM DPD. These policies seek to ensure that, amongst other matters, development proposals do not have an adverse impact on the amenities of neighbouring users including overbearing impact.

Other Matters

15. The appellant has directed me to several extension proposals as examples of similar developments in the area, which were observed during my site visit.
16. It is acknowledged that the extension to No 91 is not wholly subservient to its host in terms of width and eave height. However, the extension is set away from its shared boundary with No 89 and its roof profile is more in-keeping with that of the host property in terms of massing, resulting in an extension that is not top-heavy in appearance. Furthermore, the extension is separated from the garden and living space of No 89 by the presence of the existing single storey extension to No 89. The above results in a development that is overall more in-keeping with its surroundings, respondent to the original property's roof design and has no unacceptable effect on the living conditions of neighbouring occupants.
17. Nos 99 and 101 are located within a more regimented part of London Road that is characterised by similar style detached dwellings with larger separation distances between each property. The extensions to these properties are not materially larger in massing and footprint to the proposed extension under this appeal. However, they respond positively to their host properties in terms of roof design and due to the separation distances involved, have less effect on the living conditions of neighbouring occupants.
18. The above examples of extensions within the surrounding area are within different contexts and differ in terms of design to the appeal proposal and I am not persuaded that they are comparable.
19. The appellant has also drawn my attention to the redevelopment of No 3 Milner Street, which is set within a different locational context to the appeal site. Furthermore, in that case the assessment of effect on the character and appearance of the area is likely to have been related to its contemporary design. Whereas in the case of this appeal the issues largely relate to scale and massing and the schemes are therefore not comparable.
20. I have had regard to the appellant's personal circumstances. Whilst it is understandable that the ever-evolving needs of modern family living have resulted in the desire to extend the dwelling rather than move on, and the extension would be a benefit for current and future occupants, I have found significant harm as set out above, which outweighs the personal circumstances put forward.

21. There would inevitably be some economic benefits associated with the proposed development, including employment during construction, contributions made by the occupants to the local economy and a potential rise in Council Tax. However, the small scale of the proposal renders these benefits minimal, and I have found significant harm as described in my reasoning above, which outweighs the benefits advanced.

Conclusion

22. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR