



Appeal Decision

Site visit made on 31 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 09 MAY 2025

Appeal Ref: APP/P3040/D/25/3360397

250 Melton Road, Edwalton, Nottingham, Nottinghamshire NG12 4AG

- 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 Umis Mistri against the decision of Rushcliffe Borough Council.
 - The application Ref is 24/01473/FUL.
 - The development proposed is alterations and extension to existing garage to provide studio at first floor with 2 dormers to front.
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Decision

1. The appeal is allowed, and planning permission is granted for alterations and extension to existing garage to provide studio at first floor with 2 dormers to front at 250 Melton Road, Edwalton, Nottingham, Nottinghamshire NG12 4AG in accordance with the terms of the application Ref 24/01473/FUL and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans so far as they relate to the description of development in the banner heading above: Drawing No 3 – Site and location plans dated August 2024; Drawing No 3 – Site and location plans dated August 2024 identifying trees marked in green; Drawing No 1 – Existing and proposed garage / studio dated August 2024.
 - 4) The first-floor studio hereby permitted shall not be occupied until the roof light windows on the rear roof slope have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Preliminary Matters

2. It is noted that reference to the proposed “granny annex” in the planning application form has been removed from the proposed development prior to determination of the planning application. This is acknowledged by the description attached to

Rushcliffe Borough Council's (the Council) official decision notice and that included on the appellant's appeal form. The description of development in the banner heading above reflects this change.

3. The appellant's Grounds for Appeal document contains a plan at Appendix A entitled "*Site Plan*" dated February 2025. It seeks to provide clarity by removing the originally proposed "granny annex". Whilst this would ordinarily be useful, I am conscious that the original drawings, "*Drawing No 3 – Site and location plans*" dated August 2024 and "*Drawing No 3 – Site and location plans*" with additional identification of trees marked in green, also include the site location plan, which has not been replicated elsewhere and is essential in identifying the location of the site. All parties are aware of the removal of the "granny annex" from the proposal, and I have dealt with the existing plan as necessary in the relevant condition above. I have therefore made the decision not to accept the revised "*Site Plan*", dated February 2025, given that I consider it unnecessary in this instance.

Main Issues

4. The main issue is the effect of the proposed extension and alterations to the garage on the living conditions of the occupants of The Coach House at No 248 Melton Road (No 248) with regards to outlook.

Reasons

5. The part of the appeal site of relevance comprises the existing double garage to No 250 Melton Road (No 250), which sits within the corner of the plot, adjacent to the boundaries with No 248 and The Shielings, Highgrove Gardens (The Shielings). The garage has a pitched roof with gable ends towards The Shielings and the driveway of No 250.
6. The garage and driveway of No 250 are set at a higher level than No 248 with the land retained by a wall. No additional boundary features exist above the retaining wall between the garage and the dwelling at No 248. However, forward of the garage, the boundary consists of a fence above the retaining wall, which is currently covered in ivy, and shrub and tree planting on the appeal site. The boundary to The Shielings comprises a close boarded fence.
7. A studio is proposed in the roof space of the garage. This would be facilitated by the turning of the roof profile and a small increase in ridge height, an extension to the side of the garage which is closest to No 248 to facilitate an internal staircase accessed via an external door, installation of 2 roof lights on the proposed roof slope facing The Shielings, installation of 2 dormer windows on the proposed roof slope above the garage doors, and the removal of a small cherry tree and shrubs.
8. The extension would be to the side of the garage, marginally reducing the gap between it and the blank gable end of No 248 but not extending forward beyond the existing building line. Furthermore, the re-orientation of the roof would mirror that of the closest part of the dwelling at No 248, with the roof slope extending away from the outdoor garden space and ground floor accommodation of No 248. This would reduce the effect of the increase in massing resulting from the extension and the small increase in height of the ridge line.
9. Consequently, although the proposal would result in a small increase in the massing of the building, this would be broken up by the above alterations and the

introduction of 2 dormer windows above the existing garage doors, which would not appear more overbearing than the existing gable end of the garage.

10. It follows that the proposed extension and alterations to the existing garage would have no greater impact on the outlook enjoyed by the occupants of No 248 than the existing building and configuration.
11. I therefore conclude that the proposal would not be unacceptably harmful to the living conditions of the occupants of No 248 with regards to outlook. Consequently, the development would comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies, adopted October 2019, which seeks to ensure, amongst other matters, that conversions and extensions are not overbearing in relation to neighbouring properties.

Other Matters

12. It is undisputed between the parties that the appeal site is located within Edwalton Conservation Area (ECA). The statutory duty set out in section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of a conservation area.
13. This part of ECA is characterised by the presence of a variety of house types, styles and ages, including large Victorian, Edwardian and inter-war houses set within substantial plots. The Edwalton Townscape Appraisal (the ETA) confirms that there are some positive buildings within the vicinity of the appeal site, which are of special architectural or historic character. These include Nos 246 and 252 Melton Road, which the appeal site sits to the rear of, beyond No 248. The ETA also confirms that there are no prominent trees in the immediate vicinity of the site.
14. The Council's officer report concludes that the proposal would be sympathetic to its surroundings having regard to its siting, scale and design, and the variety of buildings adjoining the site and in the vicinity. Having visited the site and its surroundings and having considered the contents of the ETA I see no reason to disagree.
15. For the above reasons, I consider that the proposed development would preserve the character and appearance of ECA.
16. The officer's report concludes that the trees and shrubs close to the boundary between No 250 and No 248 are not of public amenity value and their removal could not be resisted. It is acknowledged that trees within conservation areas are protected. However, I see no reason to disagree with the officer's conclusion given that the proposed development would only seek removal of a very small tree and some minor shrubs, which are not visible from the public domain.
17. Objections have been submitted on behalf of the residents of numerous properties in the vicinity of the appeal site. Some of the concerns raised relate to the "granny annex", which no longer forms part of the proposal, and I have therefore focussed my attention on the concerns raised specifically in relation to the proposed studio.
18. Given the removal of the "granny annex" from the proposal and bearing in mind the distances involved, the orientation and the position of the windows of the proposed development, I am satisfied that the proposal would not harm the living conditions of the occupants of No 254 Melton Road or Appledale, Machins Lane.

19. Due to the elevated nature of the garage when compared to the garden and living accommodation of No 248 and the oblique angle of views that would be created between the dormer windows of the garage and No 248, it is considered that there would be no unacceptable effect on the living conditions of the occupants of No 248 with regards to privacy.
20. I have had regard to the effect of the proposed development on the living conditions of the occupants of The Shielings with regards to outlook and privacy. However, the re-orientation of the roof profile would result in the massing of the roof being further away from the shared boundary than what is currently experienced with the existing gable end of the garage. This would offset the slight increase in ridge height proposed. With regards to privacy, it is acknowledged that the proposed roof lights could have the potential to create overlooking of the rear garden and rear internal living accommodation of The Shielings due to their proximity and orientation to the shared boundary. However, the imposition of a suitably worded condition to ensure that obscure glazing, that could not be opened above an appropriate level, would ensure that the proposal would not result in an unacceptable degree of overlooking into the neighbouring garden or living accommodation.
21. The proposed development, by virtue of its orientation and location compared to No 248, the re-orientation of the roofline, and the relatively small increase in height of the ridgeline, together with the existence of the large rear garden to The Shielings, would not reduce the amount of daylight or sunlight enjoyed by the occupants of these neighbouring properties to a level that would cause harm to their living conditions.
22. Concern has been expressed by neighbours that the appellant may use the proposed studio for business purposes, resulting in an increase in intensity of use of the site with potential resultant consequences. The proposal does not seek a change of use from residential to business use and I am content that any such change would require a separate planning permission in this case. On that basis, I am satisfied that the proposal would not result in an unacceptable increase in traffic generation or noise and disturbance. Moreover, as I am satisfied that any change of use would require the submission of a planning application, the imposition of a condition restricting the use of the studio to that incidental to the residential dwelling would be unnecessary and fail to meet the test in the National Planning Policy Framework¹ (the Framework) and the Planning Practice Guidance² (the PPG).

Conditions

23. I have had regard to the planning conditions suggested by the Council and have considered them against the tests in the Framework and the advice in the PPG. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a condition relating to materials to safeguard the character and appearance of ECA. I have imposed a condition enforcing the use of obscure glazing to the roof light windows on the rear roof slope and restricting their opening to ensure privacy is maintained for the occupants of The Shielings.
24. The Council has suggested the imposition of a condition enforcing the use of obscure glazing to the dormer windows on the front roof slope to ensure privacy is maintained for the occupants of No 248. For the reasons set out above I am

¹ Paragraph 57.

² Paragraph 003 Reference ID: 21a-003-20190723.

satisfied that the proposal would not result in an unacceptable loss of privacy or unacceptably harm the living conditions of the occupants of No 248 in any other way, and consequently it is unnecessary to impose such a condition.

Conclusion

25. Based on the above considerations, I conclude that the proposal accords with the development plan and the appeal should be allowed.

L Fern

INSPECTOR