



Appeal Decision

Site visit made on 22 April 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2025

Appeal Ref: APP/N3020/D/25/3361530

149B Main Street, Woodborough, Nottinghamshire NG14 6DD

- 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 James Firth against the decision of Gedling Borough Council.
 - The application Ref is 2024/0932.
 - The development proposed is 'Loft conversion with dormer roof to the rear and raise ridge line of dwelling. Conversion of garage to ancillary domestic accommodation and skylights to the garage.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form did not include the conversion of the garage to ancillary domestic accommodation. In the header above, I have therefore used the description found on the Decision Notice as this is a more accurate and complete description of the proposal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 6 Brodhurst Close, with particular regard to privacy.

Reasons

4. The appeal site comprises a bungalow in a residential area, with the two-storey dwelling at 6 Brodhurst Close (No 6) to the rear. The Council asserts that there is a separation of 15.2m between the existing bungalow and the dwelling an No 6, and a distance of 6.7m between the bungalow and the shared boundary. The appellant has not disputed these figures.
5. The Gedling Borough Council Design Code Framework Extensions and Alterations Design Code (2024) states that there should be a minimum back-to-back separation of 21m or a minimum back-to-side separation of 11m. Regardless of whether the relationship between the bungalow and the dwelling at No 6 is back-to-back or back-to-side, the proposed dormer would face towards a window which serves a staircase and not a habitable room. Furthermore, condition 6 of the planning permission for No 6¹ requires the stairwell window to be obscure-glazed and non-opening.

¹ Planning application ref. 2017/0729

6. The proposed dormer would also allow views towards a rooflight at No 6, however the Council states that this rooflight is significantly above the floor level of the room it serves. Overall, the dormer would not cause any loss of privacy to the stairwell window or the rooflight at No 6.
7. However, given the close proximity to the shared boundary the proposed dormer would overlook the private garden area at No 6. Furthermore, as a result of the difference in land levels and as the bottom of the dormer windows would only be 800mm above floor level, people in the garden at No 6 would be able to look into the proposed bedroom.
8. Whilst obscure-glazing and non-openable windows up to 1.7m above floor level could provide additional privacy, it would severely restrict the outlook from the new bedroom. This would result in unacceptable harm to the living conditions of the future users of the bedroom. The appellant also suggest that adjustments could be made to the height and placement of the windows. However, the appeal process should not be used to evolve a scheme and, moreover, no drawings have been provided with any such adjustments. As it has not been demonstrated that the height and placement of the windows could be adjusted in a way to overcome the loss of privacy, I do not consider that a condition could be used to secure any such adjustments.
9. The proposal would therefore cause significant harm to the occupiers of both the appeal property and No 6 through a loss of privacy. The proposal would therefore be contrary to Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) and Policies LPD 32 and LPD 43 of the Gedling Borough Local Planning Document Part 2 Local Plan (2018), insofar as they require development to not cause a significant adverse impact on the living conditions of nearby residents and occupiers, including through overlooking.

Other Matters

10. The appeal site is within the Woodborough Conservation Area (CA). The significance of this part of the CA is derived, in part, from the historic pattern of development and the appearance of period buildings which maintain much of their original architectural features, although there are more modern buildings between the historic cottages along the north side of Main Street. The appeal property has a modern appearance, the proposed dormer would be positioned at the rear of the property and not in public view, and the other alterations would be limited in scale. As a result, the proposal would preserve the character or appearance of the CA. As this would be a lack of harm, this would therefore be a neutral matter.
11. The Council has raised no objections to any other matter, and no objections were received from the Parish Council, Highways Authority, or any statutory consultees. I see no reason to disagree. Nevertheless, a lack of harm in these other matters would only be a neutral matter.
12. The proposal would improve the habitable space for the appellant and their family, would provide a larger house for future occupiers, and could result in energy efficiency improvements. However, it has not been demonstrated that these improvements could be achieved in a differing way that does not cause the harm identified above. Economic advantages would arise from the construction of the appeal scheme, although these would be temporary and limited by the scale of the

scheme. Overall, I afford modest weight to these matters, which would not outweigh the significant harm identified.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR