



Appeal Decision

Site visit made on 25 March 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/X3025/D/25/3359456

103 Sherwood Street, Warsop, Nottinghamshire NG20 0JU

- 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 Mr Benny Gjokaj against the decision of Mansfield District Council.
 - The application Ref is 2024/0424/HHA.
 - The development proposed is described as “retrospective application for first floor rear extension with balcony, new porch to front, new roof with dormer to side”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On my visit I saw an extension at first floor level to the rear and a dormer enlargement to the side of the roof, apparently in accordance with the details as shown on the submitted plans. Therefore, part of the development has been completed, although the porch and balcony elements had not been fully constructed. While I have regard to the completed elements of the development, my assessment is based on the appeal drawings.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area, and (ii) living conditions at neighbouring properties.

Reasons

Effect on character and appearance of the area.

4. The appeal property is a dwelling between a petrol filling station and a single storey building containing a hot food takeaway outlet. The takeaway is at the end of a row of mostly 2 storey high dwellings. These houses have similar roofs with all sides sloping towards the ridgeline. The degree of consistency in the roof forms of the residences is a notable characteristic of the appeal site side of the street.
5. The appeal property is seen from the road although it is set further back from the highway compared to other nearby houses. Also, a driveway to the side and the low level takeaway building allow sight of the full depth of the dwelling from the pavement. Therefore, the side of the rear extension and the whole of the roof dormer are visible from the street.
6. The constructed rear extension has significantly increased the depth of the appeal property. The dormer is set back from the front roof slope and its bottom edge is

above eaves level. Nonetheless, it extends along most of the side of the roof including over the rear addition and the top of the dormer is almost to the ridgeline. Consequently, it is a sizeable, bulky extension that overwhelms the original roof form when seen in views over the takeaway unit. Also, the flat roof and vertical face to the dormer addition is starkly at odds with the original pitched roof to the appeal property as well as those seen on most nearby houses. The roof and the dormer are both finished in similar materials but this fails to fully address the top heavy and discordant appearance of the enlargement.

7. I understand planning permission has been granted for works to the property including the construction of a dormer to the side roof. There is a reasonable prospect the approved scheme would be carried out if this appeal is dismissed and so the original roof form of the dwelling would be changed regardless as to my decision. Plans of the approved development have not been provided but from the submissions it would seem the permitted dormer is of a different design and smaller than the roof enlargement subject of this appeal. As such, the permitted scheme would not result in such a bulky addition and so it would be more sensitive to the appearance of the host building and the character of the street scene. The fallback position would have a less harmful effect on the character and appearance of the area compared to the appeal development and so it does not overcome the identified detrimental impact.
8. The proposed porch would be a minor and appropriate alteration to the property. Also, the balcony extension to the rear would be set back from the road and it would not be obvious from public vantage points. Accordingly, these elements of the development would not harm the visual qualities of the area.
9. The appellant has amended the scheme in order to address concerns raised by the Council to a previous proposal. Even so, for the above reasons I conclude the development when considered as a whole would be harmful to the character and appearance of the host property and the area. In these regards, it would not accord with policy 6 of the Mansfield Local Plan 2020 (the LP). Part 1a of this policy looks for home extensions and alterations to have no significant adverse impact on the character and appearance of dwellings or street scenes.

Living conditions.

10. The constructed rear extension and the dormer addition are visible from residential properties next to the adjacent takeaway unit as well as from a house to the rear of the site. The proposed rear balcony would also be seen from nearby residences.
11. The already completed elements of the scheme increase the bulk of the upper parts of the appeal property so that it is now more imposing than the original house. However, the dwellings to the south of the appeal site are separated from the site by the takeaway unit and a tall tree in the back garden partially screens the house from the residence to the rear. Therefore, the development already carried out avoids an unacceptable overbearing effect to any residence and it causes no harmful loss of outlook.
12. New windows in the dormer and the south facing side wall of the rear extension are fitted with frosted glass and have restricted opening. As such, they do not allow views onto the houses to the south of the site, even though the windows are seen from these properties. The proposed balcony would have a panel screen on its south side that would also prevent views of dwellings and gardens beyond the

takeaway unit. The back garden is of sufficient length to ensure the use of the balcony would not intrude on the privacy of occupants of the property to the rear.

13. Therefore, I conclude the development would not have a harmful effect on living conditions at any nearby residence. In these regards, it would accord with LP policies P6 and P7, that together seek to avoid a significant reduction in the quality of the living environment at nearby properties.

Conclusion

14. The Council's decision to refuse planning permission was made by the members of its Planning Application Committee and it is contrary to the advice of its officers. Nonetheless, I have found the development is unacceptable when considered against the first main issue. This is the overriding factor and means the development conflicts with the LP policies when read as a whole, even though I have found the scheme is acceptable in terms of its effect on living conditions at nearby residences. There are no reasons that justify granting planning permission contrary to the provisions of the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR