



Appeal Decision

Site visit made on 10 June 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/B3030/W/25/3362054

The Cottage, Annexe, West Lane, Edwinstowe, Nottinghamshire NG21 9QT

- 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 Ross Morton against the decision of Newark & Sherwood District Council.
 - The application Ref is 24/01913/FUL.
 - The development proposed is change of use from annexe to independent dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the reasons of certainty and clarity, I have amended the description of the proposed development from that which appeared on the planning application form. The existing annexe is not an independent dwelling unit and, as such, the proposed development would not be to retain that use.
3. As the appeal site is within the Edwinstowe Conservation Area, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (the Framework) also requires great weight should be given to the conservation of heritage assets. These include conservation areas.
4. The proposal relates to an existing annexe to The Cottage. Based on what I saw at my site visit and the evidence before me, the annexe has been built in accordance with planning permission granted by Newark and Sherwood District Council in February 2017 (16/02056/FUL). This permission restricted the use of the annexe to purposes ancillary to the residential use of The Cottage. At the time of granting planning permission for the annexe the Council reasoned that the use of the annexe should be restricted in such a way as, in their opinion, the site was not capable of accommodating a separate residential unit.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area, including the Edwinstowe Conservation Area (CA); and,

- whether the proposed development would provide acceptable living conditions for future occupants, with regard to privacy and the provision of private amenity space.

Reasons

Character and appearance

6. The Edwinstowe Conservation Area Appraisal (the CAA) identifies the arrangement of development plots running between the High Street and West Lane as being remnants of the earlier medieval village plan form. The CAA notes that these remnant medieval plots are an important part of the history and development of the village and help inform its current appearance. Therefore, from what I have seen and read, I consider the special interest of the CA is in part derived from the settlement's long history and, among other things, the surviving layout, spacing of and relationship between historic development plots.
7. The appeal site is within a predominantly residential area fronting onto West Lane. Several other properties along West Lane, on the same side of the road, occupy similar regularly spaced parallel plots, of similar width, that are derived from the historic pattern of development described above. Houses are set back from the road with modest gardens to the front and rear. As a result, although many of the houses are more recent developments, the area retains a historic, spacious appearance with a harmonious and repeated pattern of development.
8. The appeal property comprises the principal dwelling, The Cottage, its associated detached annexe building, modest shared garden and, to the front of the plot to West Lane, an area of mainly hardstanding that provides vehicular access and parking. The Cottage is a two-storey house that is set a short distance back from the road. The annexe is a single-storey structure to the rear of the plot that is subservient to the principal dwelling, in terms of both scale and location, and has the appearance of a converted outbuilding.
9. The CAA identifies The Cottage as a positive feature within the CA and its siting is closely related to the historic layout of development plots. As such, the Council considered The Cottage as a non-designated heritage asset (NDHA) in their assessment of the proposal, and I have no reason to take another view on this matter.
10. The proposal seeks to separate The Cottage from the annexe to form two independent dwelling units. The front of the plot, to West Lane, would remain predominantly unaltered, providing parking for up to 4 vehicles. A bin store, to serve both properties, is proposed between the parking area and the annexe building.
11. While the proposal would not increase the built footprint of the annexe, it would result in the annexe being seen as an independent property within the street scene, within its own plot, rather than ancillary and subservient to the host dwelling within the same plot.
12. The development would be subject to the comings and goings of independent occupancy that would lead to greater intensity of use. Furthermore, the domestic paraphernalia associated with an independent dwelling unit, including, for example,

- the proposed bin store, additional vehicle use and clothes drying facilities, would result in a cluttered appearance.
13. The plans do not identify the type nor the extent of any boundary hedge or fence that would divide the garden space between The Cottage and annexe or separate the subsequent respective gardens from the parking areas. The dividing boundary shown on the plans follows a convoluted alignment that does not reflect established lines within the site nor reflect the general pattern of development in the area.
 14. As such, the proposed subdividing boundary would disrupt the relationship between the buildings within the site and would be inconsistent with the pattern and spacing of development in the surrounding area. Therefore, the proposed subdivision of the plot would add to the cluttered appearance of the site and would be at odds with the straight, parallel historic boundaries that contribute positively to the character and appearance of the site and surrounding area.
 15. The existing width of the development plot is also the context within which The Cottage is seen and appreciated. As such, the site is also the setting of a NDHA.
 16. The proposal would lead to less than substantial harm to the significance of the CA by eroding the surviving historic pattern and spacing of development plots, identified in the CAA as contributing to the significance of the CA. The visual clutter of additional domestic paraphernalia would be to the further detriment of the appearance of the CA. The proposal would also result in some harm to the setting of a NDHA by reducing the space within which the asset is experienced and appreciated.
 17. Paragraph 215 of the Framework states that less than substantial harm to the significance of a designated heritage asset (in this case the conservation area) should be weighed against the public benefits of the proposed development. Furthermore, Paragraph 216 of the Framework establishes that the effect of development on the significance of a NDHA should be taken into account when determining an application.
 18. The Framework promotes and supports sustainable development and seeks to boost the supply of housing. Hence, I acknowledge the proposal would provide an additional independent dwelling unit. However, the land has already been developed in such a way as to allow residential use without harm to the significance of the CA. As such, the annexe already provides independent living space, albeit ancillary to The Cottage. Consequently, I find that the public benefit of an additional independent dwelling unit is, in this case, very limited.
 19. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. In this respect, the very limited public benefit of the proposed development does not outweigh the degree of harm identified. Additionally, the Framework establishes that, when considering effects on NDHA, a weighing exercise should be carried out that has regard to the scale of harm or loss. In this respect, I also find that the benefit of the proposal does not outweigh the harm caused.
 20. In summary, the proposal would harm the character and appearance of the site and surrounding area, including the CA and the setting of a NDHA. Therefore, it would not accord with Policy CP9 of the Newark and Sherwood Local Development

Framework Core Strategy, March 2019 (the CS) and Policies DM5, DM6 and DM9 of the Newark and Sherwood Development Plan Document, July 2013 (the DPD) which together seek to ensure development proposals sustain local distinctiveness, reflect in their layout existing character, and respect the significance and setting of any heritage assets.

Living conditions

21. The Cottage and annexe are offset from each other and separated by a modest, currently shared, garden space. The subdivision of the garden would result in the annexe being served by only a small garden space to the front, entrance side of the building and a long, thin strip of garden extending between the building and the parking area. Given the orientation of the development plot and location of the annexe building, both parts of this garden area would be overshadowed for much of the time by either the building or boundary hedge to the side of the plot. Furthermore, the remaining garden area allocated to The Cottage would be considerably diminished in extent and useable area.
22. While the two buildings do not directly face each other, there is intervisibility between the windows of habitable rooms to the annexe and first floor windows to The Cottage, across the shared garden. Furthermore, the first-floor windows to The Cottage overlook a significant portion of the current garden. Hence, a large proportion of the useable garden space allocated to the annexe would be overlooked.
23. The plans do not show the type or height of boundary treatment that would separate the two properties. Even if I were minded to allow the development and condition the type and height of boundary treatment, it would only address the matter of intervisibility between the two properties at ground floor level. Overlooking from first floor windows of The Cottage of the habitable rooms and garden space allocated to the annexe would remain. As such, I have no evidence to indicate that this overlooking of the proposed independent dwelling unit and garden would be mitigated by any reasonable screening boundary.
24. Therefore, separation of the use of the annexe to create an independent dwelling unit would lead to an unsatisfactory relationship between the two properties due to a loss of privacy for future occupants of the annexe.
25. The Council have no adopted space standards for the provision of external private amenity space. Instead, the development plan, in Policy CP9 of the CS and Policy DM5 of the DPD, relies on the consideration of each proposal in terms of its context and individual circumstances.
26. Given the size, shape, shading and overlooking of the proposed annexe garden area, and the harm I have identified with regard to the character and appearance of the site and surrounding area, the proposal neither provides adequate useable private amenity space for future occupants of the annexe nor respects the context of the site.
27. I appreciate that some people may exercise consumer choice over the amount of outdoor amenity space they require, and that a small, level garden may meet the needs of some people. However, I consider the matters of shading, overlooking and the disjointed form of the proposed annexe garden area result in inadequate

outdoor amenity space for a single independent dwelling unit such as that proposed.

28. For these reasons, I conclude that the proposal would not provide acceptable living conditions for future occupants, with regard to privacy and private amenity space. Hence, it would conflict with Policy CP9 of CS and Policy DM5 of the DPD which seek, among other things, that development should be an effective and efficient use of land that would not lead to unacceptable loss of privacy and should provide an adequate standard of amenity.

Other Matters

29. I acknowledge that the development site is in a sustainable location in a village centre and close to facilities and amenities with good public transport links. The appeal site includes an acceptable amount of car parking and safe access to the highway for both The Cottage and annexe, or The Cottage and an independent dwelling unit.
30. The appellant argues that should the current use of The Cottage and the annexe intensify, consequent changes like an internal boundary, bin storage and increased parking, might occur in any case. However, it is very unlikely that such intensification would result in the need for a physical partition of the site or increased car use and domestic paraphernalia as would be likely from the creation of a separate dwelling.
31. I also note that the annexe has previously been occupied by a tenant, who has indicated that they were wholly satisfied with the living arrangements, size of the private amenity space and location of the dwelling unit. However, I do not consider that these personal circumstances provide sufficient justification to outweigh the harm to the living conditions of future occupants that I have identified from the proposal, nor does this matter outweigh my concerns about the scheme's harmful effects on the character and appearance of the site and surrounding area.

Conclusion

32. 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. For the reasons given above, I conclude the appeal should be dismissed.

C Mayes

INSPECTOR