



Appeal Decision

Site visit made on 12 August 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/P3040/W/25/3367357

91 Main Street, East Leake, Nottinghamshire LE12 6PF

- 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 Kevin Murphy against the decision of Rushcliffe Borough Council.
 - The application Ref is 25/00508/FUL.
 - The development proposed is the demolition of the existing front boundary wall and gate, and the construction of a two storey extension to form a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing front boundary wall and gate, and the construction of a two storey extension to form a new dwelling at 91 Main Street, East Leake, Nottinghamshire LE12 6PF in accordance with the terms of the application, Ref 25/00508/FUL, subject to the conditions on the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and the area, including whether it would preserve or enhance the character or appearance of the East Leake Conservation Area ('the ELCA'); and
 - Whether the occupants of 91A Main Street ('No 91A'), and the occupants of the proposed dwelling, would experience appropriate living conditions, with particular regard to outlook and outdoor amenity space.

Reasons

Character and appearance

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance. The National Planning Policy Framework 2024 ('the Framework') states that great weight shall be given to the conservation of designated heritage assets, such as conservation areas, and that harm to their significance requires clear and convincing justification.
4. The ELCA encompasses a broad range of buildings, interspersed with areas of open space. The East Leake Conservation Area Appraisal and Management Plan

2023 ('the CAAMP') sets out that it is centred around the Church of St Mary's, and that its form and layout, diverse architectural styles and building types spanning many centuries, give a good indication of the farming and industrial development of the village. This part of the ELCA is identified as falling within Zone 3, where key characteristics include a mixture of historic features and community buildings, the common use of brick, with tile or slate roofs, and some original windows.

5. The principal front section of the building on the appeal site abuts the pavement on Main Street, is two storeys high with a steeply pitched gabled roof form, and is finished in red brick and pantiles. It has a taller section which projects well to the rear alongside Thurman Close. The CAAMP identifies it as a key unlisted building, and in the language of the Framework, I consider it to be a non-designated heritage asset. In accordance with paragraph 216 of the Framework I have taken into account the effect of the scheme on the asset's significance.
6. I observed that the building also has flat-roofed single and two storey additions to the side and rear. Given their functional, rectilinear form, and incongruous detailing including a bow window, those additions are unsympathetic, and have a jarring relationship with the older parts of the building. They are prominent approaching along Main Street from the east, where they significantly detract from the building's appearance.
7. The proposal would include the demolition of the single storey flat-roofed side addition with a bow window and a utilitarian front boundary wall. The replacement two storey extension would have a steeply pitched gabled form, along with a brick and pantile finish, which would respect the remainder of the building's Main Street elevation. Its slight set down at roof level, and the set back of its front face, would provide articulation and would give it an appropriately subordinate scale, and the windows to the front would provide some design interest.
8. The proposed extension would project much further to the rear compared to the structure it would replace, but it would thereby hide the flat-roofed two storey addition from the streetscene. Whilst the Council is concerned that the scheme's eastern elevation would compete with the building's front face, in my view the inclusion of openings, including modestly proportioned half dormers, would provide visual interest. The overall impact would be an improvement compared to the unalleviated expanses of brickwork, inappropriate detailing, and the flat-roofed form which currently detract from the streetscene.
9. This is a fairly spacious site, which includes open areas to the rear. In that context, and given the varied scale and proportions of nearby buildings, the scheme would not appear cramped or out of place.
10. For these reasons, I conclude that the character and appearance of the host building, including its significance as a non-designated heritage asset, would not be harmed; and that the character and appearance of the ELCA would be preserved.
11. Consequently, the scheme would not conflict with Policies 8, 10 and 11 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 ('LPP1'), or with Policies 1 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 ('LPP2'). In general terms, and amongst other things, these set out that development shall be of a high design standard, and shall not adversely affect the character or pattern of the area by reason of matters including plot sizes, scale, massing, layout, style or materials; and that proposals shall conserve or enhance the character and

appearance of heritage assets. Neither would it conflict with the broadly similar approach in the East Leake Neighbourhood Plan 2013-2028 (2015), with particular regard to its Section 7 on conservation, history and heritage.

12. In reaching my conclusion I have paid special attention to the statutory test. With reference to the Framework, having given great weight to the conservation of designated heritage assets, I find that the significance of the ELCA would be preserved.

Living conditions

13. The Rushcliffe Residential Design Guide Supplementary Planning Document 2009 ('the RRDG') says that a variety of garden sizes may be appropriate. It continues that a garden smaller than the footprint of the dwelling is generally unacceptable, but that it could be justified, for instance where there is nearby public open space and an overriding need to develop the site in a way that maintains or enhance the streetscene, especially in conservation areas.
14. As a result of the proposal, No 91A would still have one bedroom, but a smaller area of outdoor amenity space. However, at around 65sqm, the space would be broadly similar to the footprint of the dwelling, and it would be conveniently configured with easy access from the conservatory structure. As there are no ground floor windows on the closest part of the adjacent property at Thurman Close, and only small windows at first floor, it would be reasonably private.
15. The proposed dwelling would have two bedrooms, and a rear outdoor amenity space of around 42sqm. That outdoor space would be further from the dwellings on Thurman Close compared to the outdoor space at No 91A. Whilst it would be smaller than the footprint of the dwelling it would serve, it would be conveniently accessed from patio doors serving the lounge. Those doors would also provide natural light to the rear of the property.
16. Whilst the outdoor amenity spaces serving both properties would be small, they would not be markedly so in the context of a village centre location. They would provide sufficient, reasonably private space for the limited number of occupants of these small properties to sit outside, and to perform typical domestic tasks. As pointed out by the appellant, there are also nearby areas of public open space which would provide the occupants with other areas to relax or play.
17. Given the proposed extension's form and depth, it would be visible offset to the right from No 91A's kitchen window, from where it would breach a 45 degree line, contrary to the advice in the RRDG. However, the kitchen is small, and appears to be used for food preparation and domestic tasks, rather than dining. As No 91A's conservatory is further from the proposed extension, the outlook from there would be less impacted, and the property also has a lounge where front-facing windows are proposed. Having regard to the sun's trajectory, I am not persuaded that No 91A's occupants would experience significantly greater overshadowing as a result of the scheme. Thus, considered as a whole, the living conditions at No 91A would not be harmfully impacted.
18. The scheme would not therefore conflict with those parts of LPP2 Policy 1 which set out that new development shall not have a significant adverse effect upon the amenity of occupiers, having regard to matters such as overbearance and overshadowing, and that there shall be sufficient amenity space.

19. Neither would it conflict with the Framework's stance that proposals shall achieve a high standard of amenity for existing and future users. There would be a limited conflict with the advice in the RRDG, but for the above reasons, and in the context of the area, that would not result in significant harm.

Other matters

20. There is a communal parking area at the rear of the site, and I am not persuaded that the proposed single dwelling, which would be located within easy walking distance of the village's amenities, would add significantly to local parking pressures. Neither do I have evidence that mains sewers would be unable to accommodate foul or surface water from the proposal.
21. Finally, although the appellant maintains that the scheme would deliver below market rent housing, I have not been provided with any mechanism by which that could be secured. In any event, given my conclusions on the main issues, it has not been necessary for me to weigh that, nor the other claimed public benefits of the scheme.

Conditions and Conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would not harm the character and appearance of the host property, or its significance as a heritage asset; that the character and appearance of the East Leake Conservation Area would be preserved; and that the scheme would ensure appropriate living conditions for all occupiers. It would therefore accord with the development plan.
23. The Council has suggested the broad theme of conditions should the appeal be allowed, which the appellant accepts. I have considered these against the tests in the Framework, including its stance that conditions should be kept to a minimum. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.
24. In the interests of the character and appearance of the host property and the area, a condition is also necessary requiring the submission of details of all external materials. For that same reason, and to ensure appropriate living conditions for the occupiers, I have imposed a condition requiring the submission of boundary treatment details.
25. Turning to the Council's suggested condition No 4, I am mindful of the advice in the Planning Practice Guidance¹ that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
26. In this case, whilst the Council has suggested a condition removing permitted development rights under Schedule 2 Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), I have not been provided with any specific justification for that requirement. Thus, whilst I have considered the site's location within the ELCA,

¹ ID: 21a-017-20190723

having regard to the above advice and to the Framework's tests, I am not persuaded that such a condition is necessary or reasonable. I have not therefore imposed it.

27. The Council's suggested condition Nos 6 and 7 would require the provision of an electric vehicle charging point and bat/swift box/bricks. However, I have not been referred to development plan policies relating to such requirements, nor a justification for those conditions, or an explanation as to why the development would be unacceptable without them. Thus, I am not satisfied that they satisfy the test of necessity, and I have not included them.
28. For these reasons, and having regard to all other matters raised, including a representation from East Leake Parish Council, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: KM-23-04C, KM-24-01A, KM-24-02A, KM-25-01, KM-25-02, KM-25-03, KM-25-04 and KM-25-07.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the occupation of the development hereby permitted, details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the new dwelling is occupied.