
Appeal Decision

Site visit made on 7 August 2025

by **Dr Rachael A Bust BSc (Hons) MA MSc LLM PhD MIO L MCMI FGS MEnvSci MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/N3020/D/24/3353212

The Headlands, Church Lane, Linby, Nottingham, Nottinghamshire, NG15 8AB

- 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 Janet Brothwell against the decision of Gedling Borough Council.
 - The application Ref is 2024/0349.
 - The development proposed was originally described as “single-storey rear extension and loft extension with pitched roof design.”
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Decision

1. The appeal is allowed and planning permission is granted for two pitched roof dormer windows in the rear roof slope at The Headlands, Church Lane, Nottingham, NG15 8AB in accordance with the terms of the application, Ref 2024/0349, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than three years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with drawing nos: 24/278 (Block Plan, dated 03/07/24); 24/277 (Location Plan, dated 03/07/24); 24/276 (Proposed Elevations, dated 03/07/24); and 24/275 (Proposed Layouts, dated 03/07/24) except in respect of the loft conversion with additional skylights in the roof shown on 24/275 (Proposed Layouts, dated 03/07/24) which does not form part of this permission.
 - iii) The external materials of the development hereby permitted shall match those used in the existing dwelling.

Preliminary and Procedural Matters

2. The original development proposal incorporated three elements, namely a rear extension, the conversion of the remaining half of the loft space and the addition of two dormer windows inserted into the rear. During the lifetime of the application, a revised set of plans, omitting the rear extension, were submitted to the Council and were the plans upon which the decision was made. The appellant’s statement very clearly confirms that “this appeal only relates to the decision not to grant planning permission in relation to the installation of two dormer windows to the rear of the property.” I have therefore determined the appeal on this basis.
3. Consequently, it is necessary for precision that the description of development is amended in my formal decision on this appeal.

Main Issues

4. The main issues are:

- Whether the proposal would be inappropriate development in the Nottingham-Derby Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The Nottingham-Derby Green Belt washes over the village of Linby and the appeal site. The Government attaches great importance to Green Belts and the aim is to prevent urban sprawl by keeping land permanently open. Consequently, openness and permanency are the essential characteristics of Green Belt. Paragraph 154 of the Framework therefore starts from the point of view that development in the Green Belt is inappropriate unless it falls within one of the exceptions listed in paragraph 154. Paragraph 154 c) gives a relevant exception for this case for “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.”¹
6. Further planning policy detail and explanation is established with local plan policies. Policy LPD13 of the Gedling Borough Local Planning Document Part 2 Local Plan, adopted 2018 (the Local Plan) contains two criteria, firstly the amount of floorspace being created in comparison to the original building; and secondly other important aspects such as design including views, historic significance, the effect on the openness and the reasons for including land within the Green Belt. All requirements of both criteria need to be satisfied for a proposal to be acceptable.
7. The Headlands is a two-storey detached property finished in white render with a plinth, quoins and window lintels in red brick and a slate roof. There is no submitted evidence to definitively confirm the date of the original building. However, the design features, choice of materials and general condition would indicate it to be of mid-20th century construction.
8. From the evidence submitted and the observations during my site visit, the original building has already been subject to a number of alterations and extensions. The original form of the property has been altered and extended to include a slightly stepped back two-storey side extension and front porch. The existing plans illustrate a single storey extension with mono-pitched roof across the whole width of the rear elevation. Internally, a proportion of the existing roof space has already been altered and used as a children’s playroom. Roof lights have been added.
9. At the time of my site visit, a new single storey, flat roofed rear extension was substantially complete. A proportion of the previous single storey rear extension remained but with recent alterations to the openings and roof form. I have no submitted details regarding these aspects; although I note that the Council

¹ The glossary of the Framework defines ‘original building’ as that as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally.

indicated that it had provided advice regarding the use of permitted development rights for extensions.

10. It is not disputed by the main parties that the appeal property has been previously altered and extended. The Design and Access Statement submitted by the agent at the planning application stage did not provide any calculations of the existing floorspace. The Council's Report contains some calculations which have not been disputed by the appellant. As such in the absence of any other submitted calculations for the original property and having regard to the measurements on the submitted plans, it is clear that previous alterations have added more than 50% additional floorspace to the appeal property. This would still be the case even if the original property was constructed with habitable space within half of the roof space which has been included within the Council's calculations for the floorspace of the original property.
11. From the submitted plans, the two proposed dormer windows would be inserted into the rear roof plane. In my view, these dormer windows would not create additional floorspace. As such there would be no conflict with the floorspace requirement contained in Policy LPD13 a) of the Local Plan.
12. Each of the dormer windows would be approximately 2.9 metres wide, set back from the eaves and ridge of the pitched roof. As a consequence of their size, they would be a prominent and noticeable feature in private views from the rear of the appeal property and similarly the localised private views from the rear of surrounding properties. However, the detached and extended nature of the appeal property presents a sufficient expanse of roof to host the proposed dormer windows. Their positions within the roof plane would be balanced and symmetrical, therefore enabling even proportions of roof to remain visible.
13. The proposed pitched roof gable form is traditional and similar to other dormers which I have seen elsewhere within Linby. The proposed elevations plan gives some indication regarding the detail for the materials to be used. A planning condition could be used to ensure that the materials would match the existing dwelling. The appeal building has no historical significance which would be affected by the proposal. There are no identified valuable views into or out of the settlement in this location and the proposal would have no effect on previously developed sites or the reasons for including land within the Green Belt.
14. All planning decisions are determined on their own individual merits having regard to the development plan and national policy at the time of the decision together with any other considerations. The appellant has cited 3 other recent planning permissions within Linby, two of which include dormer windows. However, as I have found the appeal proposal does not involve the creation of additional floorspace, these other planning permissions have not been a determinative factor in my decision on this appeal.
15. I find that the appeal proposal would not represent inappropriate development in the Green Belt. Policy LPD13 is not entirely consistent with the Framework since criterion b) iv. refers to openness and the reasons for including land within the Green Belt. Case law² has established that for those exceptions in the Framework where the effect on openness is not expressly stated as a factor in determining

², R (on the application of Lee Valley Regional Park Authority) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404, [2015] EWHC 1471 (Admin)

inappropriateness, there is no requirement to assess the impact of the development on the openness of the Green Belt if the proposal would not be inappropriate development. As I have found the proposal not to be inappropriate development there is no requirement for a separate openness assessment or to explore whether any other considerations amount to the very special circumstances necessary to justify the development. Accordingly, it would comply with Policy LPD13 of the Local Plan, Policy 3 of the Aligned Core Strategy, adopted 2014, which seeks, amongst other things to retain the principle of the Green Belt, and the Green Belt section of the Framework.

Other Matters

16. The appeal property is within the setting of the Grade II* listed Church of St Michael³ given its location on the opposite side of the road. The appeal site is also within the Linby Conservation Area (CA). The Council's decision notice does not indicate any reasons for refusal related to these designated heritage assets. However, I have a statutory duty and as required by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building and its setting or any features of special architectural or historic interest which it possesses; and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in the determination of this appeal.
17. St Michael's is a parish church which in part dates from the 12th century with a Norman south door, built of coursed and squared limestone rubble and ashlar with various pitched roofs in slate. Part of the significance is therefore derived from the ecclesiastical architecture which, despite evolving and expanding the church building over several centuries, has a harmony and unity to its form. The church is located to the southwestern edge of Linby where the slightly elevated topography enables its distinctive square tower to be seen from a distance in a variety of places. The surrounding churchyard, Church Lane and the front gardens of the setback properties along Church Lane form a key part of the setting of the listed building. Their open nature allows the listed building to be experienced and therefore contributes to the significance of the listed building. Consequently, the front garden of the appeal property makes a positive contribution to the significance of the listed building, although the property itself, by virtue of the choice of materials, brick and render, makes a neutral contribution to the significance of the listed building.
18. The Linby CA encompasses a medieval core and includes 18th, 19th and 20th century buildings within the centre and on the village edges, including the appeal property. There is a linear pattern of development with public and private green spaces being important to the character and appearance as they provide a visual link to the wider surrounding landscape. The prevalence of vernacular buildings and boundary walls consistently using local buff/honey coloured stone, timber horizontal sliding sash windows, timber/timber-style doors and roofs which are natural clay plain or pan tiled, or natural slate.
19. The significance of the CA is derived in part from the consistent use of building materials which provides a distinct and cohesive unity to the appearance of Linby. The relationship of buildings to spaces and the wider surrounding landscape also

³ List Entry Number: 1265318

defines the character of Linby and is a product of the topography, historical development, land use and ownership. The submitted Linby Conservation Area Character Appraisal (LCACA) identifies one of the most significant changes occurred with introduction of the 20th century brick-built semi-detached houses on Church Lane. They appear out of place with the older buildings around them, their elevated position accentuates their presence, and the use of brick, repeated at a later date on Church Lane, is a complete departure from the use of stone which provides the unity to the appearance of Linby. Consequently, the appeal property as a 20th century brick and render detached property on Church Lane makes a neutral contribution to the LCACA as a whole.

20. The two proposed dormer windows would be on the rear roof plane. Consequently, they would not introduce any change to how the listed building is experienced. This neutral effect would therefore preserve the building, its setting and features of special architectural and historic interest and would thereby satisfy the requirements of the Act. Similarly, the rear roof plane would only be visible in localised private views and therefore the proposal would have a neutral effect on the CA. It would preserve the character or appearance of the CA and satisfy the requirements of the Act.

Conditions

21. The Framework in paragraph 57 indicates that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
22. The Council has indicated in their appeal questionnaire that standard conditions for householder development could be used and no further conditions have been suggested.
23. The standard time limit for implementation is necessary to provide certainty. The submitted plans which are the approved plans are set out in a condition in order to define the permission which is necessary for precision and enforceability. The materials should match the existing dwelling which is necessary to ensure the development harmonises with the existing dwelling and therefore would not introduce harm to the character or appearance of the CA.

Conclusion

24. For the reasons given above the appeal should be allowed.

Dr Rachael A Bust

INSPECTOR