



Appeal Decision

Site visit made on 16 July 2025 by S Jamieson BA (Hons) MPlan

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/J3015/D/25/3365329

18 Garton Close, Chilwell, Nottinghamshire NG9 4GH

- 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 Joshua Milsom against the decision of Broxtowe Borough Council.
- The application Ref is 25/00214/FUL.
- The development proposed is a double storey side extension.

Decision

1. The appeal is allowed and planning permission is granted for a double storey side extension at 18 Garton Close, Chilwell, Nottinghamshire NG9 4GH in accordance with the terms of application, Ref 25/00214/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250) - dated 18/03/2025, Proposed Development - D301 Rev B - 18/03/2025, and Existing and Proposed Floor Plans - D103 Rev B - 18/03/2025.
 - 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area; and
 - b) the living conditions of neighbouring occupiers, with particular regard to outlook and light.

Reasons for the Recommendation

Character and appearance

4. The appeal site is located in a residential suburb, predominately characterised by two-storey dwellings which mainly comprise of terraced blocks of varying widths. Along Valley Road, individual blocks are often arranged perpendicular to each

other, particularly where there are side roads, often with intervening garden space. The host building reflects this pattern as it is an end-terrace, situated on a wide cul-de-sac off Valley Road, and has a generous garden wrapping around the front, side and rear of the property. It is bound by the large corner plot of the end terrace dwelling at 33 Valley Road (No 33) which sits at a right angle to the site. Consequently, the dwelling forms part of an orderly and cohesive built environment.

5. The proposed two-storey side extension would not project beyond either the front or rear elevations of the appeal property. Moreover, the first floor windows would intersect the roof which in turn would have its ridgeline and eaves set substantially below those of the main roof. As a result, the extension would read as a subservient addition, with the form of the original dwelling clearly discernible.
6. Furthermore, when considered in the context of the wider terrace, and due to the overall sense of space created by the generous plots and wide cul-de-sac, the proposed extension would represent a relatively modest addition to the block and would not appear dominant when seen from either the cul-de-sac itself or in the wider street scene. In the latter case views of the extension would be more side on and the gable end would have a similar profile to other terraces in the street scene, corresponding with the existing order and cohesiveness of buildings in the area. The use of matching materials would further ensure that the proposal assimilates with the local vernacular. Overall, the side extension would be a proportionate and sympathetic addition which would acceptably integrate into its surroundings.
7. In addition, the evidence before me indicates that planning permission was granted in January 2025 for a one and a half storey site extension to the host dwelling (the existing permission). The approved development in that instance significantly differed in design to the originally submitted scheme under that application which included only a marginal set down from the ridge, a first floor eaves level corresponding with the main dwelling and a single storey front projection. Having compared the respective drawings, the appeal proposal before me bears more resemblance to the scheme that was granted planning permission. Notably it has the same footprint as that scheme and a similar aesthetic with first floor accommodation at roof level which in turn is suitably set down at eaves and ridge level.
8. I have no reason to doubt that there is a realistic prospect that the appellant would implement the existing permission in the event that the appeal were to be dismissed. Given the comparable effects of the fallback position, this further persuades me that the appeal proposal is acceptable in character and appearance terms.
9. I conclude that the proposed development would have an acceptable effect on the character and appearance of the area. In that particular regard, it would comply with Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (Part 1 LP) (2014) which requires developments to integrate into their surroundings, be of an appropriate size, siting and design, and not dominate the existing building. It would also be consistent with the design objectives of Policy 17 of the Broxtowe Borough Council Part 2 Local Plan (Part 2 LP) (2019) which requires developments to make a positive contribution to the public realm and be appropriate in mass, scale and proportion with suitable materials, architectural styles and detailing.

Living Conditions

10. Given its limited projection along the side of No 33's rear garden, coupled with its offset position away from the shared boundary, the proposed development would not appear unduly close or dominant when viewed from the rear garden or windows of No 33. Whilst there would be some additional built form in their outlook, views down the garden of No 33 would maintain a suitably spacious aspect for occupiers of this neighbouring dwelling.
11. No detailed evidence has been provided to demonstrate that the proposal would result in any material loss of light to the garden or internal rooms at No 33. Given the relative orientation of the two properties and factoring in the sun's path, there is the potential that the increase in built form could lead to a marginal increase in shadow in the morning. That said, given the overall size of the neighbouring plot, the extension would be unlikely to result in any material overshadowing for the substantial part of the day. Furthermore, there is nothing to indicate that levels of daylight would be materially affected. Consequently, acceptable levels of light would be retained to the garden, conservatory and other windows at No 33.
12. The proposed extension would be contained entirely to the side of the host dwelling, on the opposite elevation to the attached property at 17 Garton Close and would therefore not result in any material loss of light or outlook for occupiers of this property. Similarly, given the siting of the extension to the side of the appeal property and the separation between the extension and other properties that abut the rear garden of the appeal site, the appeal scheme would not materially affect the living conditions of occupiers of any other neighbouring properties.
13. For the above reasons, the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, with particular regard to outlook and light. Accordingly, it would comply with the requirements in Policy 17 of the Part 2 LP and Policy 10 of the Part 1 LP, to ensure that developments do not cause unacceptable loss of amenity for occupiers of neighbouring properties.

Other Matters

14. I note the third-party concerns raised. With regards to the privacy of neighbouring occupiers, no openings are proposed in the flank elevation of the extension and, other than two modest rooflights, no first floor windows are proposed in its rear elevation. Furthermore, the drawings indicate that the rooflights would be high level velux windows set at 1.7m from the finished floor level. Therefore, acceptable levels of privacy would be retained for neighbouring occupiers.
15. Any disruption for occupiers of neighbouring properties during the construction period would likely be short term and a matter for the Council to investigate and consider in the event that there were reports that any levels of disturbance were beyond levels that could reasonably be expected. Any fencing that has been previously erected is not a matter for this appeal which relates to the proposed extension.
16. In terms of whether or not all neighbours were notified of the planning application, it is the responsibility of the local planning authority to undertake publicity in accordance with statutory requirements. I have no evidence before me to suggest that these procedures were not properly carried out.

17. Regarding parking, the Council's report confirmed that the proposed development would not give rise to undue pressure on on-street parking or highway safety and from what I have seen I find no reason to reach a different finding in that respect. There is also no objective evidence before me to indicate that the development would result in drainage problems or result in harm to protected species and designated habitats.

Conditions

18. A standard implementation condition (1) is necessary in the interests of certainty, along with a condition (2) listing the approved plans in order to provide certainty over what has been approved. It is also necessary to include a condition (3) to ensure that external materials harmonise with the character and appearance of the dwelling and surrounding area.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Jamieson

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR