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## Appeal Decision

Site visit made on 30 October 2025

**by Guy Rigby LLB ACGI CEng FICE FCIHT**

an Inspector appointed by the Secretary of State

**Decision date: 25 November 2025**

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**Appeal Ref: APP/Q3060/W/25/3367775**

**175 Minver Crescent, Nottingham, Nottingham City NG8 5PP**

- 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 Ms Shinder Kour against the decision of Nottingham City Council.
  - The application Ref is 24/02189/PFUL3.
  - The development proposed is the erection of new build dwelling (C3).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. After the appellant's statement was submitted, I granted permission for further information to be submitted in respect of an appeal decision relating to a nearby property at No. 257 Minver Crescent.
3. I visited 18 Ledbury Vale and 257 Minver Crescent on the same day as my visit to the appeal site.

### Main Issues

4. The main issues are
  - the effect of the development on the character and appearance of the area; and
  - the effect of the development on the living conditions of the occupiers of No. 173 Minver Crescent with regard to privacy, outlook and light.

### Reasons

#### *Character and appearance*

5. No. 175 Minver Crescent is a semi-detached two storey property situated in a residential area of Nottingham. It was originally built with well proportioned side and rear gardens, typical of the relatively open street scene and garden city suburb design and layout of dwellings in the area. The original side garden has since been reduced in size somewhat by a two storey flat-roofed extension.
6. There is a narrow fenced footpath immediately adjacent to the west side of the property, between it and No. 149 Minver Crescent. This footpath allows access to properties to the rear of the appeal site, including No. 173 which is set side on to the rear of No. 175 with its front garden adjoining the rear garden of No. 175 on the other side of the footpath.

7. The proposed dwelling would be constructed in the side garden of the appeal site, between the extension to the side of 175 Minver Crescent and the footpath, with a boundary fence running between the two properties. I note that, due to the shape of the appeal site, the relative size of the front and rear elevations of the proposed dwelling and the available frontage of the side garden, the proposed dwelling would be close to both the footpath and to No. 175 Minver Crescent. The proposed dwelling would have windows to the rear on both the ground and first floors.
8. I note that the original dwelling has already been extended into the side garden of the property. Hence the remaining space in the side garden is modest and consequently the footprint of the development would be very close both to No.175 Minver Crescent and to the narrow footpath which provides access to the properties to the rear. I therefore consider that the development would be cramped and not sit comfortably within the available space. This would cause significant harm to the character and appearance of the area.
9. I also note that the original property has a hipped roof, the extension has a flat roof and the development would have a gable roof. Although the roof levels are to some extent similar, there would be effectively three different roof styles adjoining each other. In my view the juxtaposition of these three roof styles would disturb the rhythm and harmony of the street scene and hence cause significant harm to the character and appearance of the area. Additionally, I consider that the silver birch tree forms part of an established garden space and that its removal would result in a modest loss of visual amenity.
10. I note that the proposed dwelling would follow the existing building line and level and be constructed of matching brick. These matters indicate a lack of harm, so they are neutral in the overall consideration of the appeal.
11. On this main issue, I conclude that the development would result in significant harm to the character and appearance of the area. It would fail to accord with Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan, adopted September 2014 (the ACS), and Policies DE1, DE2 and EN7 of the Nottingham City Council Local Plan Part 2 – Land and Planning Policies, adopted January 2020 (the LAPP). Together, these policies seek to ensure that development proposals have regard to the local context and sense of place, respect and enhance the streetscape, enhance the character and distinctive identity of the area and protect trees.

#### *Living conditions*

12. I note that there would be windows to the rear first floor of the proposed dwelling. No. 173 is set side on to No.175 rather than backing on to it, so its front garden would adjoin the rear garden of the proposed development. Although the side elevation of No. 173 has only a ground level front door and a small first floor window, so that the house itself would not be overlooked, there would nevertheless be some overlooking of the front garden of No. 173 from the proposed development. This overlooking would be from a different perspective from the existing overlooking and would result in a harmful loss of privacy.
13. From observations made during my site visit, I consider that the existing gap between No. 149 and No. 175 Minver Crescent provides a sense of openness to the front of No. 173 Minver Crescent. The proposed development would reduce

this gap significantly and thereby cause significant harm to the outlook from the front of No. 173 and from the front garden area.

14. I also note that there would be some impact on light to the front of No. 173 Minver Crescent. Due to the separation distance, this would occur for only a short part of the day and so would not result in significant harm, but harm would nevertheless arise.
15. On this main issue, I conclude that the development would cause harm to the living conditions of the occupiers of No. 173 Minver Crescent with regard to privacy and outlook. It would fail to comply with Policy 10 of the ACS and Policy DE1 of the LAPP. Together these policies seek to ensure that satisfactory levels of amenity would be provided for occupiers of neighbouring properties.

### **Other Matters**

#### *18 Ledbury Vale*

16. The appellant's statement refers to an appeal decision in respect of a nearby property, No. 18 Ledbury Vale, in which a similar proposal to erect a new build dwelling in the side garden of the property was allowed by the Inspector (PINS reference APP/Q3060/W/15/3004565). While I am not aware of the precise circumstances of that case, it appears to me following my site visit and from the information before me that a distinction can be made between that site and the proposal currently before me.
17. Although the new property built in the former side garden of No. 18 Ledbury Vale is on the same estate as the appeal site and has been built close to No. 18 Ledbury Vale, it follows the established building line and level and also has a hipped roof. Consequently the building line flows well, and the new property adjacent to No. 18 is not out of keeping with the adjacent properties in terms of scale, footprint and design.
18. Further, I note that, prior to the construction of the new dwelling in the side garden, 18 Ledbury Vale occupied a corner plot at the junction of Ledbury Vale and Wetherby Close, a wide street with pavements on both sides and with a quadrangle of dwellings oriented so as to back on to No.18 Ledbury Vale. This in my view gives a more open aspect than is the case for the appeal site before me, and does not disturb the rhythm and harmony of the street scene.
19. I therefore consider that the development adjacent to No. 18 Ledbury Vale does not cause harm to the character and appearance of the area and is not comparable with the proposed development, and I attach little weight to the arguments raised by the appellant.

#### *257 Minver Crescent*

20. The appellant also submitted further information in respect of another nearby property, No. 257 Minver Crescent, where a similar proposal to erect a new build dwelling in the side garden of the property was granted permission by the local planning authority. While I am not aware of the precise circumstances of that case, it appears to me following my site visit and from the information before me that a distinction can also be made between that site and the proposal currently before me.

21. In particular, I observed during my site visit that the side garden at No.257 Minver Crescent is much larger than that at the appeal site, and with a much longer frontage. Also, the footpath adjoining No. 257 Minver Crescent is less enclosed than the footpath to the side of the appeal site. I therefore consider that an additional dwelling can be accommodated without undue impact on the rhythm and openness of the established street scene.
22. I therefore consider that the proposed dwelling adjacent to No. 257 Minver Crescent would not result in any undue harm to the character and appearance of the area and is not comparable with the proposed development, and I attach little weight to the arguments raised by the appellant.

### **Conclusion**

23. The proposal would not accord with the development plan when considered as a whole, and I find no material consideration which would justify a decision other than in accordance with it.
24. For the reasons given above the appeal should be dismissed.

*Guy Rigby*

INSPECTOR