
Appeal Decision

Site visit made on 29 November 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2016

Appeal Ref: APP/F2415/D/16/3160496

Balmaha, 25 Elmcroft Road, North Kilworth, LE17 6HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom McNally against the decision of Harborough District Council.
 - The application Ref 16/00988/FUL, dated 10 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is the erection of a single storey domestic extension to the north side of the existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension; installation of external insulation with render at Balmaha, 25 Elmcroft Road, North Kilworth LE17 6HX in accordance with the terms of the application, Ref 16/00988/FUL, dated 10 June 2016, subject to the following 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: A-PL-200 Rev F, A-PL-201 Rev E, A-PL-100 Rev E, A-PL-101 Rev D and Rear Perspective Model Drawing.
 - 3) The materials to be used in the construction of external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of development I have used in the banner heading is taken from the original planning application form. The Appeal Form in Question E states that the description has not changed but a different wording has been inserted. I have not been provided with confirmation from either main party that this change was the subject of agreement. However I consider that this revised description better reflects the development proposed so I have used it in my decision.
 3. The appellant in his statement has explained that since the submission of the original planning application more accurate measurements of the relationship between the appeal property and its neighbour No. 23 Elmcroft Road have been taken. It is advised that measurements in the statement should take
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precedence to those in the original planning application. I have determined the appeal on this basis.

Main Issue

4. The main issue in this case is the effect of the proposal on the living conditions of the occupants of the neighbouring property with particular regard to outlook.

Reasons

5. The appeal site forms a detached bungalow constructed in buff brick and render with a pitched tiled roof. It has a single storey flat roof garage attached to the northern side of the dwelling. The property, known as Balmaha, is located in a predominantly residential area comprising a mix of similar bungalows and two storey residential properties. The neighbouring dwelling No. 23 Elmcroft Road which lies on the boundary with the proposed development, forms a two storey house set at a higher level to the appeal property.
6. The appeal proposes the demolition of the existing attached garage and the construction of a single storey side extension. The proposal would be of a contemporary design with a mostly monopitch roof with a valley where it joins the existing house, changing to a dual pitch roof to the rear. The Council considers that the proposal would not have a harmful effect on the street scene. I find no reason to disagree.
7. The neighbouring property No. 23 Elmcroft Road has a much smaller footprint than the appeal property, being a two storey dwelling. The rear elevation of the appeal property extends further back than the rear elevation of the neighbouring property. The proposed extension would extend the full depth of the bungalow and occupy the position of the existing garage. It would project past the rear of the neighbouring house for a distance of around 7metres. The common boundary at this point currently comprises a retaining wall built in brick with a post and rail fence above, the neighbouring dwelling being approximately a metre higher than the appeal property.
8. Currently the flat roof of the existing garage sits just above the fence on the common boundary. The eaves line of the proposed extension, when viewed from the neighbouring property would be seen to rise towards the front elevation of the appeal property with a diminishing roof slope visible from the neighbouring garden.
9. The appeal proposal, having regard to the differences in level, would result in a rendered wall of about 1.5 metres above the ground level of the neighbouring rear garden measured at the eastern end of the proposed extension, rising to around 2.5 metres at its highest point. I have had regard to the separation distance between the two properties of around 2 metres and that the proposed extension at its lowest point would be below the height of a standard 1.8 metre boundary fence. At its highest point the extension would be similar in height to the eaves level of a typical single storey bungalow. Furthermore the proposed angle of the roof slope would reduce the mass of the development on the common boundary.
10. I acknowledge the Council's comment that there is currently an open view from the neighbouring property over the top of the roof of the existing garage to the fields beyond. This is only possible due to the level differences and the low

height of the current fence. It would be commonplace for a side boundary fence to be 1.8 metres in height which would be similar to the lowest point of the rendered flank wall to the proposed extension. I also observed on my site visit that No. 23 Elmcroft Road has a greenhouse sited immediately next to the rear elevation of the house which reduces the outlook from the rear habitable room windows of the property. Having taken into account all these factors, I consider that the proposed extension would not have a significant enclosing or overbearing effect on the habitable room windows of the neighbouring property.

11. The neighbouring dwelling has a long rear garden of over 23 metres in length. The proposed extension runs parallel to the side boundary for approximately 7 metres. Therefore a significant part of the garden would be unaffected. I therefore consider that there would be no material loss of outlook from the garden.
12. Accordingly, I consider that the proposed development would not cause material harm to the living conditions of the occupants of the neighbouring dwelling. The appeal proposal would therefore comply with Policy CS11 of the Harborough District Local Development Framework Core Strategy 2011 which seeks to ensure amongst other things that the amenities of existing and future neighbouring occupiers are safeguarded.

Other matters

13. I note that the appellant has provided a sunlight /daylight analysis of the development though loss of light does not specifically form part of the reason for refusal. This analysis uses the methodology in the British Research Establishment (BRE) Guidelines. The submitted evidence demonstrates that there would be no significant loss of daylight to habitable rooms in the neighbouring property or within the garden area.

Conclusion

14. I have found that the appeal proposal would not cause harm to the living conditions of the occupants of the neighbouring dwelling.
15. I have had regard to the conditions suggested by the Council. In addition to the standard timeframe condition, I consider that a condition requiring the development to be constructed in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition regarding external materials is also necessary to ensure the satisfactory appearance of the development.
16. For the reasons given above and having had regard to all other matters raised I allow this appeal.

Helen Hockenhull

INSPECTOR