

Appeal Decision

Site visit made on 4 January 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 06 February 2017

Appeal Ref: APP/L2440/D/16/3164066
6 Davenport Road, Wigston, LE18 2HF

- 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 Gellatly against the decision of Oadby and Wigston Borough Council.
 - The application Ref 16/00358/FUL, dated 8 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is erection of a double storey and single storey rear extension, and alterations.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of development was amended by exchange of email correspondence between the appellant and the Council on 15 August 2016. I have used that revised description in the banner heading.

Main Issues

3. The main issues are the effect on the living conditions of the occupiers of neighbouring properties in respect of outlook, and sunlight and daylight, and the effect on the character and appearance of the area.

Reasons

Living conditions

4. The appeal property comprises a two storey terraced house with a uniform rear building line with its attached neighbours at No 4 and No 8. The extension would be some 3.7m deep and would be part single storey with a lean-to roof where it would abut the common boundary with No 8. The two storey part of the extension would have a pitched tiled roof. The two storey part would be set some 2.3m from the side boundary with No 8 and some 1.25m from the shared boundary with No 4 according to the Council.
 5. The Council's Residential Development Supplementary Planning Document (SPD) seeks to implement a 45 degree code to protect sunlight and daylight to neighbouring properties. The extension would according to the undisputed evidence of the Council contravene that angle so far as No 8 is concerned in respect of the neighbouring window at ground floor.
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6. In addition, the extension would have a significant depth and height with blank side elevations projecting back from the rear of the property. This would be close to boundaries and would because of its close proximity to the rear of the adjacent properties be overbearing on outlook from windows in the rear of those properties.
7. For both these reasons, the extension would be harmful to living conditions. This would be contrary to Oadby and Wigston Core Strategy (CS) Policies 14 and 15, Oadby and Wigston Local Plan (LP) Landscape Proposal 1 and Housing Proposal 17, and the provisions of the SPD. It would also be contrary to a core principle of the National Planning Policy Framework to seek a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

8. The extensions would be a substantial size that would mask the simple rear elevation of the terrace. Nonetheless, it is not unusual for dwellings to be extended at the rear as demonstrated in the SPD and there is nothing intrinsically architecturally of merit on the rear elevation of the terrace. Furthermore, the design of the rear extensions would not be in itself unpleasing from the rear elevation when viewed from behind. It has not been alleged to be prominent in any street scene open to public view.
9. Whilst I acknowledge that the development would be a bulky addition, in an area where such extensions are uncommon, I conclude that it would not because of its location and design harm the character and appearance of the area. It would not be contrary to CS Policies 14 and 15, LP Landscape Proposal 1 and Housing Proposal 17, the provisions of the SPD and a core principle of the National Planning Policy Framework which all seek high quality design sympathetic to its surroundings.

Other matters

10. I attach significant weight to the needs of the appellant as a disabled wheelchair user to have good living conditions and easy access around his home. The extension would be one way of facilitating such access and providing improved bathing facilities. It may well be that a smaller design would hamper providing desired arrangements, but it is not for me to consider alternative schemes which are not in any event demonstrated in the documentation. Nonetheless, the personal circumstances of the appellant do not outweigh the harm to living conditions of neighbours already identified.
11. I acknowledge that there are no neighbour representations brought to my attention but the lack of objection does not outweigh the conflict with local and national policies identified.

Conclusions

12. For the reasons given above I conclude that the appeal should be dismissed.

Julia Gregory

Inspector