
Appeal Decision

Site visit made on 14 February 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 03 March 2017

Appeal Ref: APP/T2405/W/16/3163653

2 Vicarage Close, Kirby Muxloe, LE9 2AS

- 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 Gary Warren against the decision of Blaby District Council.
 - The application Ref 16/1100/FUL, dated 1 August 2016, was refused by notice dated 28 October 2016.
 - The development proposed is extension to existing 2 storey detached house and change of use from a single dwelling to 5no. self-contained flats on site, with off-street car parking spaces, at 2 Vicarage Close, Kirby Muxloe.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It has been confirmed that the applicant's name was incorrect on the original application form. The Council's formal Decision Notice and the appellant's Appeal Form include the correct name, Mr Gary Warren. For the avoidance of doubt, I have used the corrected name.

Main Issue

3. The main issue is the effect of the proposed development upon living conditions of neighbouring occupants with specific regard to noise and disturbance and outlook from No 30 Glenfield Lane and No 4 Vicarage Close.

Reasons

4. The appeal property comprises of a 2-storey detached 3-bedroom dwelling set in a corner plot along Vicarage Close and Glenfield Lane. The dwelling has a reasonably generous front and rear garden and there is a number of single storey outbuildings within the rear garden. At present there are 2 separate vehicular accesses into both the front and rear garden areas, leading from Vicarage Close.
 5. The general area comprises of low density residential dwellings which are typically detached or semi-detached and are single storey or 2-storeys in height. The M1 as a major motorway is located in proximity with the site, to the north east.
 6. A total number of 8 car parking spaces would be created to serve the flats, in accordance with the relevant adopted highway parking standards. The existing outbuildings to the rear garden would be demolished and 6 spaces would be
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created, as well as a communal garden area. The remaining 2 spaces would be accommodated within the front garden.

7. In practical terms it is likely that the level and frequency of parking associated with the 5 1-bed flats is likely to be significantly greater than it would be with its present use as a single dwelling. A large part of the rear garden area would be given over for the parking and I consider that a much greater level of noise and disturbance would be experienced in terms of vehicle manoeuvres, the slamming of car doors and general comings and goings.
8. This effect would be particularly experienced by residents of No 4 Vicarage Close and No 30 Glenfield Lane as the proposed spaces would be directly adjacent to these properties. Development is also relatively low density and as such I consider that such an effect would also be experienced, albeit to a lesser degree, by other residents in the area.
9. While I accept that the traffic noise from the M1 is audible and constant, the presence of existing noise and disturbance would not justify further harm in this respect and cumulatively the increase would be significant.
10. In order accommodate the proposed 5 flats, a 2-storey rear extension is proposed. This would increase the depth of the dwelling, and the roof pitch would be made shallower so as not to increase the overall height of the roof. A single storey extension to the side is also proposed.
11. The increase in depth would result in the appeal property projecting beyond the rear elevation of No 30 Glenfield Lane. However, this increase would only be around 2.5m in depth and both properties are orientated the same way, fronting Glenfield Lane, and share a tall side boundary. The proposed rear 2-storey extension would not therefore significantly enclose the outlook of occupants at No 30 and I do not consider that the extension would give rise to any overbearing effect.
12. Furthermore, there is a separation distance of around 23m between the appeal property and No 4 Vicarage Close. While No 4 is a single storey dwelling, the distance of the extension away from this property would not have any overbearing impact.
13. Overall, while I have found that the development would not harm the outlook of neighbouring properties, I conclude that the development would adversely affect the living conditions of neighbouring occupants in respect of noise and disturbance. This effect would be significant and as such the development would conflict with Policy CS2 of the Blaby District Council Core Strategy (2013) and saved Policy R1 of the Blaby District Local Plan (1999) which seek to secure a high quality environment and avoid development which would be detrimental to the amenities enjoyed by occupiers of neighbouring properties from vehicular activity and noise and disturbance.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR