
Appeal Decision

Site visit made on 11 July 2017

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/K2420/D/17/3176186
77 Outlands Drive, Hinckley LE10 0TN

- 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 G Walsh against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 17/00263/HOU, dated 16 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is single storey front and rear extensions and first floor side extension above existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed first floor side extension on the living conditions of the occupiers of No 79 Outlands Drive (No 79), by reason of having an overbearing impact.

Reasons

3. Planning permission was granted for a similar extension to the appeal proposal in March 2017. The evidence indicates that its approved design incorporates a partial hipped roof which was an amendment required by the Council. The approved scheme is under construction. The appeal proposal seeks to revert to the originally submitted scheme which includes a full-height gable end to the extension, rather than the hipped roof. As the other elements of the current proposal have been approved by the Council, this appeal focuses on the difference between the 2 schemes.
4. The appeal property (No 77) is set back considerably behind No 79 to the extent that its front broadly aligns with the rear elevation of its neighbour. The proposed two-storey side extension would be close to the party boundary. The overall height and mass of the proposed gable end would be greater than in the approved development where the roof would slope away from the boundary. These factors and the nearness of the two-storey extension to its neighbour would combine to create an overbearing effect on the occupiers of No 79 which would be experienced from its rear windows and garden.
5. I conclude therefore that the extension would unacceptably harm the living conditions of the occupiers of No 79 due to its overbearing effect. This would

conflict with Policy DM10 of the Council's Site Allocations and Development Policies DPD which amongst other things seeks to ensure that new developments do not have a significant effect on the amenities of nearby residents, including through visual intrusion.

6. The Council raises no design objection to the proposed gable roof which would be in keeping with roof designs in the surrounding area, including properties which have been extended to the side in a similar way to the appeal proposal. There are no reasons to disagree with the Council in this regard. The previously approved hipped roof was considered acceptable by the Council and there is therefore no design justification for the gable roof now proposed in this appeal.
7. I have considered all other comments made, including claims that the proposed development would cause a loss of daylight or sunlight to neighbouring occupiers, but none are sufficient to affect my conclusion on the main issue in this appeal.
8. For the reasons I have set out, the appeal should be dismissed.

Elaine Benson

INSPECTOR