
Appeal Decision

Site visit made on 8 January 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2018

Appeal Ref: APP/X2410/W/17/3181081
1349 Melton Road, Syston LE7 2EP

- 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 Ilarionos against the decision of Charnwood Borough Council.
 - The application Ref P/17/0068/2, dated 13 January 2017, was refused by notice dated 14 March 2017.
 - The development proposed is the erection of 2 storey detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council confirms that following their determination of the application, the Council's Guide to Tandem and Backland Development has been withdrawn and is no longer relevant as it replicates the standards set out in the Charnwood Borough Council Leading in Design Supplementary Planning Document (SPD) 2005. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on the living conditions of the occupants of neighbouring residential properties, with regard to outlook and light; and, whether the proposal would provide adequate living conditions for future occupants, with regard to privacy.

Reasons

Living Conditions of Occupants of Neighbouring Residential Properties

4. The appellant confirms that the appeal site forms part of the rear gardens of Nos.1349 and 1351 Melton Road. The site is fenced off from these properties with no direct access between them. The site has a single gated entrance off Tentercroft Avenue and comprises a large area of hardstanding, a brick built garage and a collection of timber sheds. The site is also used for the storage of a caravan. The observations I made during my site visit indicate that whilst it probably once formed part of the rear gardens of Nos.1349 and 1351 Melton Road, it is now read as a separate site.
5. The proposal includes for the extension of the rear garden of No.1349, which is currently very limited. However, even with the proposed extension, it would still be relatively shallow in depth. The proposed dwelling would have an asymmetrical roof with the front elevation being two-storey in height and the

rear elevation being single-storey. The north west flank elevation of the proposed dwelling would be approximately 11m from the rear elevation of No.1349. The SPD states that over-dominance will be avoided by having a distance of 12.5m between elevations containing main ground floor habitable room windows and windowless flank walls.

6. The appellant argues that the SPD assumes that the dwelling would be of a traditional two-storey building, which he states to be 8.5m wide with a 8.5m height to ridge. However, there is no indication within the SPD that this is what the standards are based on. Two-storey dwellings can vary considerably in their width and height and I do not agree that the standards in the SPD are based on the contended 'traditional proportions'. The SPD merely refers to a two-storey flank wall. I acknowledge that the rear elevation would be single-storey. However, as a result of the two-storey front elevation and the overall resultant height of the gable end, I consider that for the purposes of the SPD the gable end should be considered to be two-storey and the 12.5m standard should apply. As there would only be 11m distance between the elevations, the proposal would conflict with the SPD.
7. The dwelling would rise significantly above the shared boundary with No.1349. Due to the limited distance between the two properties, the dwelling would dominate the outlook from the windows in the rear elevation of No.1349, particularly the ground floor windows to such an extent that it would result in an unacceptable over bearing impact on the occupants of the property.
8. I have had regard to the Council's contention that the proposal would result in an unacceptable loss of daylight and sunlight to the rear of Nos.1351 and 1353. The dwelling would be positioned to the south of the rear gardens of these neighbouring properties. However, it would be sufficient distant from the shared boundaries with these properties to ensure that any loss of light would not be so significant as to be materially harmful to their occupants. Consequently, I find no significant harm in respect of this matter.
9. I find therefore that the proposal would result in significant harm to the living conditions of the occupants of No.1349 as a result of the unacceptable loss of outlook. As such, it would fail to comply with Policy CS2 of the Borough of Charnwood Local Plan 2015, which seeks to ensure that development protects the amenity of people who live nearby. It would also fail to comply with saved Policy EV1 of the Borough of Charnwood Local Plan 2004, which seeks to ensure that development meets all standards relating to residential amenity. In addition, it would fail to comply with the guidance set out in the SPD.

Living Conditions of Future Occupants

10. Whilst the Council's Decision Notice does not refer to the effect of overlooking from No.1353 Melton Road on the privacy of the future occupants of the dwelling, the Officer Recommendation Report does.
11. The rear elevation of the dwelling would be approximately 8m from the rear shared boundary with No.1353. No.1353 is set significantly further back from the rear building line of Nos.1349 and 1353. As a result, the north west side elevation of the proposed dwelling would only be slightly set back from the rear building line of No.1353. Consequently the two dwellings would be within close proximity of each other. Whilst there are first floor windows in the side and rear elevations of No.1353, any intervisibility with the windows

in the rear elevation of the proposed dwelling would only be obtained through very oblique angles. Accordingly, I find that the proposal would provide adequate living conditions for future occupants in accordance with Policy CS2 of the Borough of Charnwood Local Plan 2015 and saved Policy EV1 of the Borough of Charnwood Local Plan 2004.

Conclusion

12. Whilst the proposal would provide adequate living conditions for future occupants, this is a neutral effect and does not outweigh the significant harm it would have on the living conditions of the occupants of No.1349 Melton Road.
13. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR