



Appeal Decision

Site visit made on 25 September 2019

by **E Griffin LLB Hons**

An Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/X2410/D/19/3233045

969A Loughborough Road, Rothley, Leicester, Leicestershire LE7 7NJ

- 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 Graham Fairchild against the decision of Charnwood Borough Council.
 - The application Ref P/19/0296/2 dated 24 January 2019 was refused by notice dated 26 April 2019.
 - The development proposed is single storey rear extension to form sunroom. Conversion of part of existing bungalow to form loft conversion (bedroom/bathroom) including raising roof height.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal on (i) the character and appearance of the host dwelling and the surrounding area and (ii) the living conditions of 969 Loughborough Road with particular regard to outlook and loss of privacy.

Reasons

3. The appeal dwelling is located in a spacious plot of ribbon development along Loughborough Road. To the south of the appeal dwelling, there are two pairs of semi-detached houses. To the north, the neighbouring dwelling is set back from the road and is not visible from the road due to both its location and mature vegetation. Across the road, there are largely bungalows.
4. The appeal dwelling is a modest bungalow with a middle section containing the front door and a bay window. The bungalow then extends forward at each side. A section to the north side contains a matching bay window and a smaller window at a higher level. The southern element extends further forward as it is the garage and has two windows on the side. There is a spacious rear garden and no built development behind the rear of the garden.
5. The appeal proposal would include a single storey extension to the rear. At the time of my site visit, the rear extension with extended roof and three roof lights was present. The plan 17.09.01 dated the 8 May 2017 marked as existing is different to the rear east elevation that exists now. In any event,

the Council has confirmed that the rear extension element of the appeal proposal is acceptable and I concur with that view.

6. The appeal proposal also includes raising the roof to create living space in the loft. As well as the increased roof height, there would be one dormer window towards the centre of the raised roof to the rear and two dormer windows to the front with one towards the centre of the bungalow and the other is located closer to the south of the appeal site. The current roof is one continuous line with the pitched elements to either side. Raising the roof height for roughly two thirds of the existing roof line and adding two dormer windows at the front creates a discordant feature that is not compatible with the original dwelling. The dormer windows are not in line with the front door and front window at ground floor level which adds to the lack of symmetry at the front. The appeal proposal would significantly alter the visual appearance of the appeal dwelling which currently has simple lines and largely matching features.
7. The appellant considers the appeal dwelling to be infill between older and larger dwellings and does not detract from views of neighbouring dwellings and would add visual interest. However, the addition of dormer windows in the position and size proposed particularly at the front would in my view alter the character of the appeal dwelling and the surrounding area. The pairs of semi-detached dwellings to the south have simple roof styles. There are bungalows in the vicinity of the appeal dwelling both in the ribbon development to the north and also on the opposite side of the road. The bungalows are largely of a modest design with simple roof structures. The design of the increased roof height and the dormer windows proposed particularly at the front would be an incongruous feature.
8. The Council in its report has not distinguished between the front and the rear of the appeal dwelling in reaching its decision. However, the appellant in his appeal form does refer to the Council's preference of achieving a symmetrical form. The dormer window to the rear as a single larger window does create an imbalance to the appeal dwelling itself as compared to the proposed changes to the front.
9. The appeal proposal would therefore harm the character and appearance of the host dwelling and the surrounding area. It would be contrary to Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy Adopted 9 November 2015 (the Core Strategy) which, amongst other things, requires development to respect and enhance the character of the area. It would also be contrary to Policies EV/1 and H/17 of the Charnwood Local Plan 1991-2006 Adopted January 2004 (the Local Plan) which amongst other things states that development should be of a design and scale that is compatible with the locality and the original dwelling. It would also be contrary to Paragraph 127 of the National Planning Policy Framework which states that development should add to the overall quality of the area.

Living conditions of No 969 Loughborough Road

10. No 969 is a semi-detached dwelling next to the appeal site. Although, the appeal dwelling is in close proximity to the common boundary fence, it is set back from the dwelling at No 969 towards the rear of the garden of No 969. The existing view from the garden of 969 is of the side elevation of the appeal dwelling. The main difference in view with the appeal proposal would be the

additional height where the roof would be raised to allow for use of the loft space. Although dormer windows would be added to the raised roof, views from the garden of No 969 would be limited due to their location. Taking into account the current view from the garden of No 969 and the proposed changes which would be the higher roof and limited views of dormer windows, I do not consider that the appeal proposal would cause harm to the outlook for the occupiers of No 969.

11. On my site visit, I observed the existing modest window on the southern side elevation of the appeal dwelling just below the highest part of the roof as indicated on Drawing No 17.09 01 dated the 8 May 2017 and marked as existing. Although the appeal proposal would increase the height of the roof, the window would remain in the same position. I note from the proposed plan 17.09.03 that the window would serve a bathroom rather than a bedroom. As the window would not serve a habitable room, had I been minded to approve the appeal proposal, the Council suggested condition which includes obscure glazing could have addressed any potential overlooking issues and would also provide privacy for future occupiers. The appellant's appeal form comments appear to refer to replacing the gable window with a rooflight but I can only consider the appeal proposal that is before me. As no new windows are proposed on the side elevation and having regard to the potential use of an appropriate condition, I find that the appeal proposal would not cause harm to No 969 with regard to overlooking or loss of privacy.
12. The appeal proposal would not therefore be contrary to Policy CS2 of the Core Strategy which states, that amongst other things, that development should protect the amenity of people who live nearby. It would also not be contrary to Policies EV/1 and H/17 of the Local Plan which, amongst other things, refer to development safeguarding the amenities of adjoining properties and not being to their detriment. It would also comply with Paragraph 127 of the National Planning Policy Framework which requires developments to create a high standard of amenity for existing users.

Other Matters

13. The appellant's comments in the appeal form appear to refer to a number of points that have been discussed between the appellant and the Council. The appellant indicates that there was limited time to address the Council's comments due to short timescales and commitments of individual Council officers. However, the internal procedures of the Council are not within the remit of this appeal.
14. Whilst I note that the appellant was seeking to agree matters with the Council, I can only assess the appeal proposal on the basis of the original plans that were submitted to the Council.
15. With regard to public views, the front of the appeal dwelling is visible from the road and footpath although views to the rear are limited. However, the overall character and appearance of the appeal dwelling is still a consideration before me.

Conclusion

16. I have not found that the appeal proposal would cause harm to the living conditions of the occupiers of No 969 Loughborough Road. However, I have found that the appeal proposal would harm the character and appearance of the host dwelling and the surrounding area.
17. For the reasons given, the appeal is therefore dismissed.

E. Griffin

INSPECTOR