



Appeal Decisions

Site visit made on 17 February 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal A - Appeal Ref: APP/K2420/W/19/3241548

44 Mansion Street, Hinckley LE10 0AU

- 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 F Williams against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00486/FUL, dated 30 April 2019, was refused by notice dated 5 August 2019.
 - The development proposed is first floor extension to garage for storage.
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Appeal B - Appeal Ref: APP/K2420/W/19/3241551

44 Mansion Street, Hinckley LE10 0AU

- 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 F Williams against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00957/FUL, dated 23 August 2019, was refused by notice dated 28 October 2019.
 - The development proposed is described as reduction of garage with first floor extension with alterations to existing including outdoor sitting area.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Background and Procedural Matters

2. These appeals are for similar development on the same site. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in this decision.
3. The scheme in Appeal A involves a first floor extension on the footprint of the existing single storey garage/store. From the information before me, the roof design and height were amended during the course of the Council's consideration of the application. For the avoidance of any doubt, my decision is based upon the plans refused by the Council.
4. The scheme in Appeal B sought to address the Council's refusal of the Appeal A scheme. The main difference is that the whole of the east elevation would be moved some 0.9m back from the common rear boundary with the neighbouring residential property 42 Mansion Street. The appeal was accompanied by a Daylight and Sunlight Report that was not available during the Council's consideration of the application. The parties have had the opportunity to comment on the Report so I am satisfied that no party would be prejudiced by taking it into account in my consideration of the appeals.

Main Issues

5. The main issues in both appeals are the effect of the development on the character and appearance of the surrounding area; and upon the living conditions of the occupants of 42 Mansion Street, with particular regard to the effect on their rear garden.

Reasons

Character and appearance

6. No 44 is a two storey, end-of-terrace property located on the corner of Mansion Street and Trinity Lane, in an area characterised by streets of mostly brick-built terraced properties. The clearly subservient single storey extensions to the rear include a garage and attached store which abut the footway of Trinity Lane and are separated from 65 Trinity Lane by a narrow passageway. Other properties in the terrace have two storey outriggers, which diminish down to single storey in height.
7. In both appeal schemes, the addition of a first floor above the garage/store would be out of keeping with the diminishing character of rear extensions evident from Trinity Lane and Mill House Road. This would be less evident from the south where it would be seen against the tall gable end of 65 Trinity Lane, but it would be particularly noticeable from the east. Moreover, due to its height, width and design, including the large fenestration, the development would have the appearance of an independent unit, rather than as a subservient outbuilding associated with No 44. This would be further exacerbated by the use of contrasting materials, which whilst not inappropriate to the area generally, would draw further attention to the development as an anomaly and thereby exacerbate the overall incongruity of the development within the street scene. Accordingly, in both cases, the development would fail to harmonise appropriately with its surroundings and would not contribute positively to the character and appearance of the area.
8. I conclude, on this issue, that the development in both Appeal A and Appeal B would cause significant harm to the character and appearance of the surrounding area. This would be contrary to Policy DM10 of the Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies DPD (2016) (the DPD), which requires, amongst other things, that new development compliments or enhances the character of the surrounding area.

Living conditions

9. The adjoining residential property No 42 has a small north facing rear garden. Notwithstanding the passageway to the rear, the tall gable of 65 Trinity Lane has an imposing presence on this garden. The east wall of the existing garage/store of the appeal property adds further sense of enclosure to the garden, but its single storey height provides important relief and a view of the sky.
10. The scheme in Appeal A would be built directly above the existing garage/store on the common boundary with No 42. Even though the roof would slope more steeply on this side, the height of the development would have a significant overbearing effect on what is an already tightly constrained garden area where daylight is at a premium. This would unacceptably diminish the enjoyment of

the use of that garden space for the occupants of No 42, which is evidently the most commonly used part of the garden.

11. The scheme in appeal B would be set back some 0.9m from the boundary with No 42, but the eaves would be higher than the Appeal A scheme. This would largely nullify any benefit of the setback compared to the Appeal A scheme. Accordingly, the small setback off the boundary would not be sufficient to prevent the development from having a significant overbearing effect on the garden of No 42, which would unacceptably diminish the enjoyment of the use of that garden space by its occupants.
12. In reasoning the above I have had careful regard to the appellant's Daylight and Sunlight Report. I have no reason to dispute its findings in respect of the limited loss of daylight and sunlight to the windows of No 42 and 65 Trinity Lane. However, this does not alter or outweigh my findings in respect of the overbearing effect of the development on the garden of No 42, as set out above.
13. I conclude, on this issue, that the development in both Appeal A and Appeal B would cause significant harm to the living conditions of the occupants of 42 Mansion Street due to an overbearing effect on the rear garden of that property. This is contrary to DPD Policy DM10, in so far as it seeks to protect the amenity of nearby residents and occupiers of adjacent buildings from visually intrusive development.

Other Matters

14. The development would provide additional on-site storage space for the business at the appeal site, thereby reducing the costs and need for off-site storage. Irrespective, these modest benefits do not outweigh the harm I have found and conflict with the development plan.
15. I have noted the variety of other concerns raised by neighbouring residents that have not already been addressed above. However, given my findings, it is not necessary for me to consider these other matters any further as it would not alter my decision.

Conclusion

16. For the reasons given and having taken into consideration all matters raised, I conclude that both appeals should be dismissed.

Adrian Caines

INSPECTOR