



Appeal Decision

Site visit made on 18 February 2020

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 25th February 2020

Appeal Ref: APP/F2415/D/19/3240847
15 Peveril Road, Ashby Magna LE17 5NQ

- 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 David Saint against the decision of Harborough District Council.
 - The application Ref 19/01233/FUL, dated 30 July 2019, was refused by notice dated 24 September 2019.
 - The development proposed is described as a double storey rear extension to an existing property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties at Nos 13 and 17 Peveril Road with particular regard to outlook.

Reasons

3. The appeal property comprises a semi-detached, two storey-dwelling. Properties either side are of similar design and construction age.
4. The attached property at No 13 Peveril Road has a single storey rear extension with side windows facing towards the appeal property boundary which is formed by a timber panel fence of varying height. A narrow intervening pathway is located between the side elevation of the rear extension at No 13 and the boundary with the appeal property. In addition, the original rear elevation of No 13 also has a ground floor window serving a habitable room which is positioned relatively close to the boundary with the appeal property.
5. The adjacent property at No 17 also has a part single and part two storey rear extension with side windows facing towards the appeal property boundary. An intervening shared access is located between No 17 and the appeal property.
6. The proposed development would involve the construction of a two-storey rear extension. The appellant indicates that the ground floor of the proposed extension would almost occupy the full width of the existing rear elevation and have a depth of approximately 3.0m. At first floor level the proposed extension would have a depth of approximately 2.5m and would be set-in from the

boundary with No 13, which the appellant indicates would be by approximately 1.2m. There would be no windows or other openings in the proposed side elevation facing No 13. A ground floor access door only is proposed in the side elevation facing towards No 17.

7. I recognise that the design of the proposed extension, with a set-back and set-in of the first-floor element, has been mindful of the relationship with the ground floor windows of No 13. However, there would still be a considerable mass of brickwork, extending over two floors, positioned in close proximity to the existing ground floor window in the rear elevation of No 13 and the side windows of the rear extension.
8. Owing to the position of the existing ground floor extension, the proposal would effectively create a tunnelled outlook from the window in the rear elevation of No 13. As a consequence of the two-storey nature of the proposal it would unacceptably reduce the outlook from, and light received at, this window, particularly as the rear of this property is north easterly facing and therefore receives limited direct sunlight. In combination, these factors would create an enclosed and oppressive environment for the occupiers of No 13 which would have a detrimental effect on their living conditions.
9. The proposal would undoubtedly cause some loss of light and outlook to the side windows of the ground floor extension at No 13. The outlook from the northerly window in the rear extension would remain largely unaffected by the proposed development. However, the outlook from the southerly window, sited close to the original rear elevation, would be unacceptably compromised with views from this window being dominated by a two-storey mass of brickwork positioned in close proximity to the window. The proposed two-storey extension would appear as an unacceptable overbearing feature in views from this window.
10. There would also be some loss of light and outlook to the window in the rear elevation and side windows of the extension at No.17. However, owing to the separation distance between the appeal property and No 17, this would not be of an extent that would materially harm the living conditions of the occupants of that property.
11. Taking the above factors into account, I find that the proposal would result in an unacceptable sense of enclosure and overbearing outlook in views from the rear ground floor windows of No 13 Peveril Road which would cause significant and unacceptable harm to the living conditions of the occupants of that property. The proposal would therefore be contrary to Policy GD8 of the Harborough Local Plan 2011-2031. This policy, amongst other things, requires that new development does not have a significant adverse effect on the living conditions of existing and new residents through overshadowing and overbearing impacts.

Other Matters

12. I have taken into account the appellant's views of the fallback position. In particular, the fact that a ground floor extension, with a depth exceeding that proposed in this appeal, could be constructed as permitted development. Whilst this may be the case, my concerns identified above predominantly arise as a consequence of the two-storey nature of the proposal. Consequently, I have attached limited weight to the suggested fallback position.

13. I have also taken into account the appellant's views of the precedent that may have been established by the construction of rear extensions in the vicinity of the appeal property. However, this matter does not outweigh the harm that I have found that would be caused to the living conditions of the occupants of No 13 as a consequence of the development proposed. In any event, I have determined this appeal on its own individual merits.

Conclusion

14. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR