



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/20/3244095

10 Pulford Drive, Scraptoft, Leicestershire LE7 9UD

- 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 Clive Turner & Miss S M Williscroft against the decision of Harborough District Council.
 - The application Ref 19/01367/FUL, dated 29 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is described as first-floor side extension, single-storey rear extension, conversion of garage.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage to form habitable accommodation, erection of a first floor side extension and the erection of a single storey rear extension at 10 Pulford Drive, Scraptoft, Leicestershire LE7 9UD, in accordance with the terms of the application Ref: 19/01367/FUL, dated 29 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001/10 Rev A; 002/10 Rev A; 003/10 Rev A; 004/10 Rev A; 005/10 Rev A; 006/10 Rev A; 007/10 Rev A; 008/10 Rev A.
 - 3) The materials to be used for the external surfaces of the development hereby permitted shall match those used in the construction of the existing building.

Procedural Matter

2. The Council changed the description of the proposed development from that contained on the application form to 'Conversion of garage to form habitable accommodation, erection of a first floor side extension and the erection of a single storey rear extension'. This is a more accurate description of the proposed development which I have therefore used in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property at No 8 Pulford Drive with particular regard to outlook.

Reasons

4. The appeal property comprises a two-storey, semi-detached dwelling that has a gable frontage facing towards the road. The property has a relatively small rear single-storey kitchen extension extending over half of the rear elevation. An existing single-storey, detached flat roof garage is located to the side of the property and positioned along the property boundary with No 8 Pulford Drive. A small access path separates the garage from the dwelling. The front elevation of the garage is positioned in line with the front elevation of the dwelling. The rear elevation of the garage is broadly commensurate with the rear elevation of the existing, un-extended part of the dwelling.
5. The adjacent property at No 8 has an attached single-storey car port that is fitted with garage type doors at the front and is similarly positioned on the property boundary with the appeal site. The rear elevation of this car port is broadly commensurate with that of the dwelling house. The car port has a translucent polycarbonate roof and I observed at my site visit it provides an open aspect to the rear with partial views of the garden. Whilst it does not constitute a habitable room, it is used as an occasional seating area. At first floor level a landing window and small obscurely glazed window are contained the side elevation of No 8 facing towards the appeal property.
6. At ground floor level, the proposed development would involve the conversion of the existing garage to form habitable accommodation which would be incorporated into the existing dwelling by extending over the small side access path. At the rear, the garage would be extended to provide a rear elevation that would be commensurate with that of the existing rear kitchen extension.
7. At first floor level the proposed development would involve the provision of a side extension constructed above the existing garage which would be set back from the existing front elevation of the dwelling by approximately 2.07m. The rear elevation would be in line with that of the existing dwelling and the side elevation would be commensurate with that of the existing garage and hence be constructed approximately on the property boundary with No 8. An obscurely glazed window to serve a bathroom is proposed in the first floor rear elevation.
8. At ground floor level the proposal would result in a relatively small extension to the existing rear wall of the garage. I do not consider that this would cause any material loss of outlook from the ground floor windows of No 8. There would be no change to the position of the front elevation of the existing garage and therefore there would be no change to the outlook from the front ground floor windows of No 8.
9. Owing to the orientation of the appeal property with No 8 and the fact that the first floor of the proposed extension does not project beyond the existing front and rear facades, I do not consider that the proposal would cause any material loss of outlook from, or light received at, the windows in the first floor rear and front elevation of No 8. There would be some loss of light and outlook to the

first floor side windows of No 8. I have no evidence to suggest that these windows serve habitable rooms. In any event, I do not consider that the reduction in light and outlook would be of an extent to warrant the dismissal of this appeal on those grounds. A gap would remain between the side elevations of the two properties and the Council has not referred to a breach of any adopted separation distances.

10. I appreciate the concerns raised by the occupants of No 8 regarding the loss of light to the carport roof. Whilst I am sympathetic to these concerns, in planning terms the carport does not constitute a habitable room. Consequently, I can attach only limited weight to the reduction in light received at this roof and this factor alone would not be a sustainable reason to warrant the dismissal of this appeal.
11. I have found that the proposed development would not cause any material loss of outlook from the windows of habitable rooms at No 8. Whilst there would be a reduction in the gap at first floor level between the two properties, the proposal would not result in any material projection of development beyond the existing front and rear facades of the appeal property. Against this background, I do not consider that the proposed development would appear as being overbearing and nor would it result in an oppressive living environment for the occupants of No 8.
12. Taking the above factors into account, I find that the proposal would not cause an unacceptable overbearing impact, nor would it create an oppressive living environment or significant loss of outlook to the occupiers of No 8 Pulford Drive. Consequently, there would be no material harm to the living conditions of the occupiers of this property. Therefore, there would be no conflict with 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

13. I have taken into account the concerns of the occupants of No 8 regarding the effects of the proposed development on on-street parking, increased traffic and concerns about the impact of constructing the proposed development. Although these matters have been carefully noted, they do not alter the main issue which has been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.
14. I also have sympathy with the health conditions identified by the occupants of No 8. However, these are unfortunately not matters that carry any significant weight in the consideration of the planning issues in this appeal.

Conditions

15. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is for the interest of certainty. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used.

Conclusion

16. 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 allowed.

Stephen Normington

INSPECTOR