



Appeal Decision

Site visit made on 25 February 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/X2410/D/19/3239223

22 Ratcliffe Road, Sileby, Leicestershire LE12 7PZ

- 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 John Crane against the decision of Charnwood Borough Council.
 - The application Ref P/19/1210/2, dated 15 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is single storey rear extension and two storey rear/side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, Charnwood Borough Council adopted its 'Design' Supplementary Planning Document (Design SPD) on 16 January 2020. The Design SPD replaces the Council's 'House Extensions' Supplementary Planning Guidance (no date) and 'Leading in Design' Supplementary Planning Document (2005) which are referred to in the Council's delegated report. I have therefore had regard to design guidance within the Design SPD in my determination of the appeal. Both main parties have had the opportunity to comment on the implications of this for the appeal. I am satisfied that no interested party has been prejudiced by this approach.
3. I was asked by the Council to view the appeal site from the adjacent property of No 20 Ratcliffe Road (No 20). In the event, I was not able to access this property or its rear external private amenity space. However, I was satisfied that I was able to consider all potential effects on the occupiers of this property.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 20, with regard to outlook.

Reasons

5. The appeal property, No 22 Ratcliffe Road (No 22), is a two-storey, semi-detached dwelling. The proposed development is a single storey extension to the rear and a two-storey extension to the side and rear.

6. The Council's Design SPD provides a guide in relation to separation distances between dwellings to avoid over dominance. Where elevations containing main ground floor habitable room windows would face windowless flank walls, a separation of 12.5 metres (m) for two storey flank walls is suggested. The evidence submitted indicates that the proposal would result in there being approximately 4.2m between the two storey flank wall of the proposed side and rear extension of No 22 and a habitable kitchen window of No 20. As such, the proposal would conspicuously fail to meet the guide separation distance in the Design SPD.
7. I acknowledge that the existing separation distance of approximately 6m between No 22 and No 20 already fails to meet the Design SPD guidance, and that the proposal would reduce this distance by only about 1.8m. Nevertheless, the encroachment of substantial built form into this space would have a detrimental impact on the living conditions of the occupiers of No 20. The close proximity of the proposed extension to the shared boundary and the rear single storey extension of No 20, together with its two storey height and overall massing would be unduly dominant and overbearing when viewed from the kitchen window and from the private outdoor paved patio area of No 20. This would result in an oppressive and uncomfortable sense of enclosure that would substantially diminish the outlook of the occupiers of No 20 and significantly reduce the enjoyment of these spaces.
8. To conclude on this issue, the proposed development would have a harmful effect on the living conditions of the occupiers of No 20, with regard to outlook. As such, it would conflict with Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) and Saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 1991-2006 (2004), insofar as they seek to protect the amenities of the occupiers of adjoining or nearby properties. In addition, it would not accord with the Council's Design SPD referred to above. It would also not comply with the provisions in the National Planning Policy Framework which seek to create places with a high standard of amenity for existing and future users.
9. Although not included in its reason for refusal, in its delegated report, the Council consider that the proposed development would also result in a significant loss of natural and/or daylight to No 20. I agree with the appellant that due to the orientation and position of Nos 22 and 20, the layout and design of No 20, the height of the existing boundary fence and the form and design of the proposed extension, the reduction in daylight and sunlight received by the occupiers of No 20 due to the proposal would not be significant. Nonetheless, I am of the opinion that this moderate loss of light would still have an adverse impact on the living conditions of the occupiers of No 20. However, given my conclusion on the main issue, this matter is not determinative in my consideration of the appeal.

Other Matters

10. I note the appellant's offer to apply a white painted rendered finish to the side wall of the proposed extension in order to reflect light back towards No 20. Whilst this may mitigate the harm to the living conditions of the occupiers of No 20 with regard to loss of light, it would not address the identified harm with regard to outlook. Therefore, it is a matter to which I attach limited weight.

11. I acknowledge that the Council raised no concerns in relation to the impact of the proposed development on the character and appearance of the area or highway safety. I am also aware that no objections were received from Sileby Parish Council, the occupiers of No 20 or the occupiers of other adjacent properties. However, these are neutral considerations in the planning balance and do not outweigh my conclusion on the main issue.
12. I note the appellant's comments regarding the Council's determination of the application. However, such matters are not material considerations to which I can give any significant weight in the context of an appeal under Section 78 of the Act.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR