
Appeal Decision

Site visit made on 11 February 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2020

Appeal Ref: APP/W2465/D/19/3241472

10 Lamborne Road, Leicester LE2 6HL

- 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 and Mrs Lal against the decision of Leicester City Council.
 - The application Ref 20191673, dated 02 September 2019, was refused by notice dated 28 October 2019.
 - The development proposed is rear conservatory.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appellants, when considering the issue of loss of outlook, make reference to the impact on No 112 Lamborne Road. The Council's delegated report refers to No 12 Lamborne Road. Having regard to the relationship of these properties to the appeal property, I have assessed the proposal against its impact on the occupiers of No 12, not No 112.

Main Issue

4. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of No 12 Lamborne Road having particular regard to its effect on outlook, light and privacy

Reasons for the Recommendation

5. No 12 has a conservatory projecting from its rear elevation which projects a short distance beyond the existing dining room at the appeal property. It projects above the existing boundary fence and has clear glass in its rear elevation and opaque glass facing towards the appeal site.

6. The appeal proposal would link the existing house to an existing detached garage, resulting in buildings along the full length of the party boundary with No 12. The new conservatory would be taller than the existing boundary fence in this location and would as a result of siting, design and relationship to existing development upon the site have a significant enclosing effect on the ground floor rear rooms and the rear garden environment of No 12. It would be overbearing on the outlook from the rear of this property and would make these rooms, including the conservatory, and the rear garden less pleasant to use. The breaking up of the wall of the conservatory with high level windows would not mitigate this harm.
7. Although the conservatory would have windows on the wall facing towards No 12's rear garden, these would be high level and could be obscure glazed, as suggested by the appellants. This would prevent any loss of privacy to the occupiers of No 12. Given this situation I am satisfied that the intervisibility between the properties would be very limited and as a consequence the proposal would not result in a loss of privacy to the occupiers of No 12.
8. Whilst the proposal would be located to the south of No 12 it would incorporate glass in the upper part of the rear wall and the roof. It would sit behind the existing boundary fence, which both parties agree is 1.8 metres high. As a result, any overshadowing to the conservatory and rear garden of No 12 would be limited. Consequently, given my observations and on the evidence before me I find that there would not be significant harm to the living condition of the occupiers of No 12 by reason of loss of light or overshadowing.
9. The appellant has drawn my attention to extensions at other properties in Northdene Road. I have viewed the sites from the public realm however I have not been provided with detailed drawings of the developments, or the individual circumstances of those cases. Accordingly, I can therefore only attach very limited weight to this matter in my consideration of this appeal. Each planning application and appeal is determined on its merits.
10. In conclusion, whilst I have found that the proposal would not adversely affect the living conditions of the occupiers of No 12 by reason of loss of privacy or loss of light or overshadowing, I have found that it would have a harmful effect upon outlook and as a consequence, harm would be caused to the living conditions currently experienced by the occupiers of this property. Consequently, the proposal is contrary to Policy CS Policy 3 of the Leicester City Local Development Framework - Core Strategy and saved Policy PS10 of the City of Leicester Local Plan 1996 – 2016 which seek to protect amenity and improve the quality of life of the City's residents. These policies are consistent with the National Planning Policy Framework which requires that developments create places with a high standard of amenity for existing and future users. The Council's decision notice refers to the Residential Amenity Supplementary Planning Document, however I have not been provided with a copy of this so have been unable to assess the proposal against it.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR