



Appeal Decision

Site visit made on 23 March 2020 by C McDonagh BA (Hons), MA

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2020

Appeal Ref: APP/T2405/D/20/3244706

15 Somerset Drive, Glenfield, Leicester LE3 8QW

- 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 Ms Jenny Kirk against the decision of Blaby District Council.
 - The application Ref 19/1103/HH, dated 16 June 2019, was refused by notice dated 22 November 2019.
 - The development proposed is a two-storey rear extension.
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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.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No.13 Somerset Drive with regards to potential overshadowing and visual impact.

Reasons

4. The appeal site comprises a detached, two-storey dwelling with rear and front gardens. Due to the incline and crescent shape of Somerset Drive, the appeal property sits both higher and further back from the street than No.13. The proposed extension would be flush with the eaves and sides of the host building, projecting 3m from the rear elevation.
5. The proposed extension would be sited close to the common boundary between the appeal site and No.13, which has a single storey rear extension as an expansion of the living/dining room. Evidently, there is also a patio area adjoining this extension. I noted on the site visit there is already an element of overshadowing upon the rear elevation of No.13 by the appeal property. Owing to the orientation, set-back and incline of No.15, the additional mass of the proposed extension to the rear would consequently further increase overshadowing and cause a loss of daylight to the habitable room windows and amenity space to the rear of No.13. While this may vary with the sun's

movements over the year, it would nonetheless cause harm to occupiers of this property via loss of sunlight.

6. Furthermore, the proposed extension would be clearly apparent from the rear ground floor windows and external amenity space of No.13. Whilst outlook from these windows is already somewhat restricted by the 1.8m fence and the lower position of that property, because of its height and mass the proposal would have a more significant overbearing impact than the existing situation. Accordingly, these rooms would be less pleasant places to be and, despite the benefits of improved privacy, would harm the enjoyment of the home. The lack of objection from the Parish Council and neighbours is a neutral factor and would not overcome the harm I have identified.
7. To conclude, the proposal would cause harm to the living conditions of occupiers of No.13 Somerset Drive due to overshadowing and visual impact. As such, it would be contrary to Policies DM1 of the Blaby District Local Plan (Delivery) Development Plan Document and Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document. Together, these seek to ensure development would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, consideration of light and overbearing effect.

Other Matters

8. I note the reference to a fallback position, whereby a similar proposal of the same height but reduced in width at first floor level to leave two metres separation from the boundaries with No.13 and No.17 could be constructed under permitted development regulations. This has been submitted in the form of a drawing alongside an email from the Council who acknowledge this would be permitted development. However, the visual and overbearing impact of this fallback scheme would be lessened by its set back at first floor and it is therefore a different scheme to the proposal before me. Moreover, I cannot be sure that the alternative scheme would be carried out if this appeal were to fail, particularly because of the specific issue raised whereby the resultant extension would not satisfy the requirements of the appellant. Accordingly, I give this matter limited weight.

Recommendation

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

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

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

P J Davies

INSPECTOR