



Appeal Decision

Site visit made on 2 June 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2020

Appeal Ref: APP/X2410/W/20/3245113

35 Maple Road North, Loughborough LE11 2JL

- 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 Paul O'Shea against the decision of Charnwood Borough Council.
 - The application Ref P/19/1476/2, dated 9 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the development of a new 2 storey building with 2 no. 1 bedroom apartments each occupying a single storey following the demolition of a single storey detached garage on the land adjacent to 35 Maple Road North.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect on the character and appearance of the area and (ii) the effect on the living conditions of the occupiers of 37 Maple Road North (No 37) with regard to outlook and light.

Reasons

Character and appearance

3. The site forms part of the garden to 35 Maple Road North and contains a pitched roof garage and parking area. Nearby dwellings are in semi-detached pairs and short terraces and display an attractive degree of uniformity in terms of style and form.
4. The proposed building would be close to a road junction and would be seen from the highway to the north, west and south of the site. While having a similar footprint, the building would be taller and bulkier than the garage to be demolished. As such, it would have a noticeable effect on the street scene.
5. The building would have a crown or mansard roof with front first floor windows that would extend above the eaves into the roof slope. It would be lower and markedly different in appearance to nearby houses which have uninterrupted ridged roofs and first floor windows that sit below the eaves. Furthermore, the proposed building would be on the rear boundary of the site and would appear uncharacteristically cramped compared to the surrounding houses which have back gardens. The incongruity of the proposal in these regards would detract

from the uniformity of nearby properties which contributes positively to the character of the area.

6. The National Planning Policy Framework (the Framework) encourages appropriate innovation or change, but also states that developments should be sympathetic to local character. The use of materials to match those seen in the area would not address or override the identified incompatibility of the proposal to the uniform nature of development surrounding the site.
7. For these reasons, I conclude the proposal would cause significant harm to the character and appearance of the area. In this regard, it would be contrary to policy CS2 of the Charnwood Local Plan Core Strategy 2015 (CS), saved policy EV/1 of the Borough of Charnwood Local Plan 2004 (LP) and the Framework. These all aim, amongst other things, to ensure development proposals are of high quality design that reflect an area's character and appearance.

Living conditions

8. Similar to the existing garage, the back wall of the proposed building would be on the boundary with No 37. While it would have a hipped roof design, the proposal would have markedly higher eaves than the garage and its tall, blank rear elevation would be clearly visible from the rear of No 37. Consequently, the proposal would have a significant additional dominating effect on the outlook from No 37 compared to the current situation.
9. No daylight or sun path analysis has been provided to support the appellant's claim that the proposal would not cause significant loss of light to No 37 during the summer. In any event, the proposed building would lead to a loss of late afternoon and evening light to No 37 during the winter due to its height and position. The proposal would result in no overlooking, but this fails to address the harm that would be caused in relation to outlook and overshadowing.
10. For these reasons, I conclude the proposal would harm the living conditions of the occupiers of No 37 in respect of outlook and light. As such, and in this regard, it would be contrary to policy CS2 of the CS, saved policy EV/1 of the LP and the Framework. These all aim, amongst other things, to create places with a high standard of amenity for occupiers of property.

Other Matters

11. New dwellings have been recently constructed at 8 Maple Road North on the opposite side of the street to the appeal site. However, the appeal proposal would be markedly different in appearance to this pair of semi-detached dwellings, which are more similar in appearance to the uniform design of housing in the area. Furthermore, these new properties are positioned off the rear boundary and so do not harm the living conditions of occupiers of any dwelling. Due to these differences, I attach little weight to this other development in my assessment of the appeal.
12. The site is in an urban area with good accessibility to public transport and facilities. The proposal would cause no harm to any features of ecological, archaeological or heritage interest and would not exacerbate flood risk or cause noise or air pollution concerns. The development would be acceptable in terms of the amount and quality of parking space, bin storage and internal floor area. Also, the building would have a sustainable method of construction and provide

contemporary open plan living space. Acceptability in all of these regards is a neutral factor in my assessment of the appeal.

13. The proposed small units would add to the mix of dwellings in the area and would boost housing supply. Also, the development would make more efficient use of a site in an accessible location where occupiers would support local services and businesses. The proposal would also create employment during construction. In all of these regards, the development would be supported by the provisions of the Framework, although the benefits would be modest given the proposal would provide only 2 dwellings. Overall, the advantages fail to outweigh or override the identified harm that would be caused by the proposal.
14. The appellant has raised concerns over the manner in which the Council determined a previous planning application relating to the appeal site. Such concerns are irrelevant in my assessment of this appeal.

Conclusion

15. The proposal would cause significant harm to the character and appearance of the area and would harm the living conditions of the occupiers of No 37. It would conflict with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.
16. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR