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## Appeal Decision

Site visit made on 30 June 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: 13 July 2020**

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**Appeal Ref: APP/X2410/D/20/3248861**

**14 Grange Street, Loughborough LE11 1QG**

- 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 East of Top Lets Student Accommodation against the decision of Charnwood Borough Council.
  - The application Ref P/20/0054/2, dated 10 January 2020, was refused by notice dated 11 March 2020.
  - The development proposed is single storey rear extension and loft conversion.
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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 Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. Notwithstanding the above, the Council's delegated officer's report indicates that the proposed dormer in the rear roof plane was deleted during the processing of the application and amended plans submitted showing this revision. The Council has determined the application on the basis of the amended plans and so shall I.

### Main Issue

5. The main issue in this case is the effect of the single storey rear extension on the living conditions of the occupiers of the host property and the neighbouring property at No 16 Grange Street having particular regard to its effect on light, privacy and outlook.

## **Reasons for the Recommendation**

6. The host property has a large casement window on its rear elevation, with a top opening light, that allows daylight into the communal lounge. It also provides occupiers with a view of the small yard to the rear of the property. The proposal would extend over this window and the resultant room would be reliant on a small window and rooflight in the extended kitchen for light and views. The limited size of the proposed windows, their position within the proposed kitchen and their close proximity to No 16 Grange Street, would significantly reduce the amount of light entering the lounge. Views out of the room would also be severely restricted. The living room would be likely to be dark and gloomy as a result and consequently, the accommodation would be less pleasant to use and enjoy.
7. The proposal would be within close proximity of the common boundary with No 16 and its kitchen window. It would result in the significant enclosure of the small yard to the rear of No 16 and would significantly restrict the outlook from the kitchen window of No 16.
8. Notwithstanding the presence of a boundary wall, which the Council say is approximately 1.6 m high, the occupiers of the host property and No 16 would have direct views, at close quarters, into each other's kitchens. This would significantly reduce the level of privacy for the occupiers of the respective properties, making them less pleasant to use and enjoy.
9. I note the appellant would be willing to alter the glazing to overcome any concerns. Whilst enlarging the areas of glazing might increase the amount of light entering the lounge/kitchen of the host property it would not address the concerns regarding outlook from both the host property and No 16 that I have identified above. The intervisibility between the properties could increase and privacy within them could be further reduced as a consequence. It would remain open to the appellant to submit a revised planning application, making alterations to the glazing, should he wish. In any event I must deal with the proposal before me.
10. The appellant has drawn my attention to extensions at other properties in the locality, but other than the planning application number I have no detail of them so am unable to consider them further. However, particular attention has been directed to a similar extension at No 31 Paget Street. Whilst I have been unable to view the site due to restrictions arising from the Covid 19 pandemic I have been provided with detailed drawings of this development, and photographs showing its context. I note that the degree of enclosure, that would result from the appeal proposal, would exceed that at No 31 and therefore a direct comparison between the 2 cases cannot be made. 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.
11. In conclusion, I have found that the proposal would adversely affect the living conditions of the occupiers of the host property and No 16 by reason of loss of outlook and privacy. I have also found that it would have a harmful effect on the living conditions of the occupiers of the host property by reason of loss of

light. Consequently, the proposal is contrary to Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy, saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 1991-2006, and the Council's Design Supplementary Planning Document 2020, which jointly seek to protect amenity and improve the quality of life of the Borough's residents. These policies are consistent with the National Planning Policy Framework and the National Design Guide which require that developments create places with a high standard of amenity for existing and future users.

### **Other Matters**

12. The appeal property is located within the Ashby Road Conservation Area (CA). The eastern part of the area, in which the site is located, is largely formed from the Paget and Storer Estates, important family holdings which also instituted charitable trusts and donated large areas of land to the town. It is noted for its terraced houses with continuous rooflines fronting long straight streets.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the Framework. At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
14. The Council, in its delegated report indicates that the proposal would not harm the visual amenity of the area, or the significance of the heritage asset. On the basis of the evidence before me, I have no reason to find differently in this regard. The proposal would preserve the character and appearance of the CA.

### **Conclusion and Recommendation**

15. 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**

16. 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