



Appeal Decision

Site visit made on 15 June 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/X2410/D/20/3246688

3 Oak Drive, Syston, LE7 2PX

- 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 Martyn Cadden against the decision of Charnwood Borough Council.
 - The application Ref P/19/2348/2, dated 8 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is a Double Storey Rear & Side Extension New Front Porch.
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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.

Procedural Matter

3. The Design Supplementary Planning Document (DSPD) was adopted in January 2020 and as such is a material consideration in this appeal. This document has replaced the supplementary planning documents 'House Extensions' and 'Leading In Design', which were considerations in the original application. The Council have provided their comments on the DSPD, and the appellant was invited to provide their comments although none were received. However, as the development plan policies against which the proposal was originally assessed have not changed and as the DSPD and the previous documents offer guidance only, I am satisfied that neither party would be prejudiced by my consideration of the DSPD in this appeal.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the appeal property and the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring properties, with particular regard to outlook and light.
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Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling in Oak Avenue, and at the time of my site visit construction had begun on a rear extension. The appeal property is one of a group of detached dwellings that are of a similar design with prominent gables to the front and rear, while the rest of the street is comprised of a mix of detached, semi-detached and terraced properties of varying designs. The proposed development would see the erection of a two-storey side and rear extension and front porch.
6. Two previous planning applications have been refused for the erection of a two-storey extension to the side and rear, and a porch to front of dwelling. The first¹ was refused on grounds of design and living conditions, and the second² was an amended scheme that was refused for the effect on living conditions alone. The appeal scheme attempts to address these issues.

Character and appearance

7. A narrow gap exists between each property, although I note the presence of a single-storey side extension to the side of No 5 Oak Drive up to the boundary with the appeal property. Nevertheless, a gap is always present at the first-floor level which creates a rhythm to the layout of the buildings and a moderate degree of spaciousness to the street scene.
8. The proposed two-storey side extension would be 0.4m from the boundary with No 1. The introduction of a two-storey extension to the side of the property, which would have an uncharacteristic flat roofed element, would add significant mass to the dwelling. While views of the side extension from the street would only be possible from in front of the site and although that massing would be set back from the main front elevation of the dwelling, the apparent bulk of the building would be substantially increased. Consequently, the spaciousness around the appeal property would be eroded and as such the appeal property would appear cramped in its plot. In addition, the spatial arrangement of dwellings would be altered. The proposed side extension would therefore detract from the character and appearance of the property and the street scene.
9. I acknowledge that the side extension has been designed to be lower in height than the existing dwelling and that it would be finished in materials to match the existing property. However, this would not mitigate against the harm identified above.
10. No objection has been raised by the Council to the proposed front porch which would be in keeping with the original dwelling, nor, in design terms, to the proposed rear extension which, whilst it would have an uncharacteristic hipped roof, would not be readily apparent from the street. However, for reasons to which I will turn later, the rear extension is also unacceptable.
11. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the appeal property and the surrounding area. The proposal would therefore conflict with Policy CS2 of the of the Charnwood Local Plan 2011-2028 Core Strategy (2015) (CS) and Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 1991-2006 Written Statement (2004)

¹ Planning application ref. P/19/0355/2

² Planning application ref. P/19/1213/2

(WS). Amongst other things, these policies require a development to respect and enhance the character of the area and be of a design, scale and mass compatible with the locality, neighbouring buildings and spaces. The proposal would also conflict with the National Planning Policy Framework, which states that permission should be refused for development of poor design, and the guidance on design in the DSPD which indicates that space in and around buildings can be important in terms of the character of the area.

Living conditions of the occupants of the neighbouring properties

12. The proposed two-storey rear extension, which would project significantly from the rear of the dwelling, would be constructed with a blank brick façade along the boundary with No 5. The area of garden at No 5 that would be immediately adjacent to the proposed extension is the area in front of the garage at No 5. However, given the modest width of the gardens to these properties, such an expanse of blank wall would be an obtrusive feature when viewed from within the garden and would create an oppressive sense of enclosure. While the orientation would be such that there would be no overshadowing to No 5, the overbearing impact of the wall would cause harm to the living conditions of the occupants of that property.
13. I note that the Council raises no concerns with regards to the effect of the proposal on the rear windows of the neighbouring properties or to the first-floor side window of No 5. Based on the evidence before me I have no reason to disagree, however this does not outweigh the harm identified above.
14. The proposal would therefore be contrary to Policy CS2 of the of the Charnwood Local Plan 2011-2028 Core Strategy (2015) (CS) and Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 1991-2006 Written Statement (2004) (WS). These policies all seek, amongst other things, to protect the amenity of those who live in nearby properties. The proposal also conflicts with the guidance in the DSPD with regards to protecting amenity of neighbouring properties.

Other Matters

15. The appellant states that the proposed two-storey rear extension is a similar size to what could be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) although there is no evidence of this before me. Moreover, I am not aware that the appellant has applied for prior approval for such development. Consequently, no weight is attached to this as a fallback position.

Conclusion and Recommendation

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

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR