



Appeal Decision

Site visit made on 3 August 2020 by Darren Ellis MPlan

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/T2405/D/20/3247492

11 Priory Walk, Leicester Forest East, LE3 3PQ

- 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 Neville Hallam against the decision of Blaby District Council.
 - The application Ref 20/0017/HH, dated 30 December 2019, was refused by notice dated 4 February 2020.
 - The development proposed is to demolish existing freestanding double garage (W5.6 x D 5.8 x H 2.6) replace with timber framed building (W7.3 x D5.8 x H5.16).
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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 Issues

3. The main issues are the effect of the development on the character and appearance of the area, and the effect of the development on the living conditions of occupiers of 2 Beechwood Avenue with particular regard to light.

Reasons for the Recommendation

Character and appearance

4. The street has a mix of semi-detached dormer bungalows and two-storey semi-detached houses. Most of the properties have attached garages. The appeal site is a dormer-bungalow on a corner plot, with the front elevation facing Beechwood Avenue, and a modest detached garage building with a flat roof at the rear of the garden adjacent to 13 Priory Walk. The rear gardens of the properties on the corner plots, on the inside of the rectangle formed by Priory Walk and Beechwood Avenue, form gaps between the dwellings. These gaps are a characteristic feature of the area and provide an openness that contributes positively to the character and appearance of the area.
 5. The proposal would see the existing garage demolished and replaced by a larger outbuilding with a pitched roof. The pitched roof and use of materials to match those on the host dwelling would be an improvement on the appearance of the existing garages. However, even though the footprint would only be enlarged by 10 sqm, due to the increased height and width, the proposal would
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result in a bulk and massing that would be significantly larger than the existing situation. The increase in massing, together with the modest size of the rear garden and the considerable reduction in the gap that would remain to the rear wall of the bungalow, would lead to a substantial amount of the spaciousness around the property being lost. As a result, the proposed outbuilding would appear cramped in the plot, eroding the open character of the corner property.

6. For these reasons, I conclude that the proposed outbuilding would be harmful to the character and appearance of the area. The proposal would conflict with Policy DM1 of the of the Blaby District Local Plan (Delivery) Development Plan Document (2019) (LPD) and Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) (CS). These policies seek, amongst other things, to ensure that development is in-keeping with the character and appearance of the area and appropriate to its context, and that a development does not result in the overdevelopment of the site due to factors including scale and massing.

Living conditions of the occupiers of 2 Beechwood Avenue

7. The proposed outbuilding would be sited against the boundary with 2 Beechwood Avenue, to the south of this neighbouring property. The roof of the proposed outbuilding would be about 5.16m in height, almost twice as high as the existing garage, although the eaves would be 0.5m lower and the highest part of the roof would be set away from the boundary. The appellant has provided an analysis of the effect of both the current and proposed outbuildings on the light received in the garden of No 2 to which I have had regard. Owing to the orientation of the plots, the proposed outbuilding would affect the light received by No 2 from late morning to early afternoon. The analysis shows that the proposed outbuilding would not have a significant impact on the light received by No 2 during the summer months. However, at other times of the year, when the sun is lower in the sky, the proposed outbuilding would result in additional shadowing to all parts of the rear garden of No 2.
8. It is acknowledged that the existing garage causes a degree of shadow, however the additional height and width of the proposed outbuilding would result in a significant decrease in the amount of light received by the garden of No 2 outside of the summer months. While occupiers may use their gardens more in the summer, this does not preclude their use in the winter. Given the modest size of the gardens of these properties, this decrease in light would detract from the enjoyment and thereby the living conditions of the neighbouring occupiers.
9. Consequently, for the reasons above I conclude that the proposal would cause significant harm to the living conditions of the occupiers of 2 Beechwood Avenue. Therefore, the proposal does not accord with Policy DM1 of the LPD and Policy CS2 of the CS, which amongst other things require development to not be significantly detrimental to the amenities enjoyed by the existing occupiers, and that new development contributes to a better quality of life for the local community.

Other matters

10. I understand the appellant's reasons for the new outbuilding, namely that the existing garage is in a poor condition and to improve the quality of life of his

family, and I attach moderate weight to these reasons. However, this does not outweigh the harm identified above.

Conclusion

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

Darren Ellis

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.

Zoe Raygen

INSPECTOR