



Appeal Decision

Site visit made on 25 November 2020

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/X2410/D/20/3261156

11 Windmill Rise, Woodhouse Eaves, Loughborough LE12 8SF

- 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 Zak Toomassi against the decision of Charnwood Borough Council.
 - The application Ref P/20/0829/2, dated 10 May 2020, was refused by notice dated 28 September 2020.
 - The development proposed is external alterations to include side and front extension, erection of rear dormer windows and changes to external materials.
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Decision

1. The appeal is allowed and planning permission is granted for external alterations to include side and front extension, erection of rear dormer and windows and changes to external materials at 11 Windmill Rise, Woodhouse Eaves, Loughborough LE12 8SF in accordance with the terms of application P/20/0829/2, dated 10 May 2020 subject to the following conditions.
 - 1) The development, hereby permitted, shall be begun not later than 3 years from the date of this Decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 002 Rev C – proposed ground and first floor plans and elevations.
 - 3) Only those materials specified in the application shall be used in carrying out the development hereby permitted.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), no openings or windows other than those shown on the approved plan shall be inserted in the western elevation of the building, at either first floor or roof level or in the eastern elevation of the building at ground floor, first floor or roof level.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. Set back from the neighbouring property No 9 Windmill Rise, the appeal site is a detached bungalow in a prominent corner location. Properties in the road sit on an incline with No 9 sitting on lower ground than the appeal site, No 11. The

area is characterised by bungalows, with some altered to include dormer windows and rooflights. Whilst there is an element of uniformity in the style and appearance of properties in the part of the road leading up to No 11, there is a more varied mix of dwelling design as the road rounds the bend.

4. The northern extension of the property would bring the built development closer to the road. However, a setback greater than that of No 9 would be maintained. Whilst the western extension would project forward of the building line created by Nos 13-21, it would still be set back a notable distance from the property boundary and given the rising slope in the land it would not appear overly prominent in the street scene.
5. The development would comply with Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy which seeks to ensure development responds positively to its context, reinforces sense of place and respects and enhances the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. It would also comply with policies EV/1 and H/17 of the Borough of Charnwood Local Plan which supports development that respects and enhances the local environment, is compatible with the surroundings in matters such as scale, location, mass and design and does not appear an intrusive or incongruous feature in the street scene. It would also comply with the relevant parts of the Woodhouse Eaves Village Design Statement.

Other Matters

6. The development would involve the insertion of new roof lights. However, they would be positioned in such a way that views out of them would not be harmful to the privacy of neighbouring dwellings. An appropriately worded planning condition to prevent any additional windows in the roof or eastern and western walls of the dwelling would ensure the living conditions of surrounding properties would be protected in the future.
7. No 26 Woodmill Rise has raised concern regarding the loss of privacy to the garden and main room windows from the new windows of the proposal. However, an element of overlooking between the 2 properties already exists. On the evidence before me, the scheme would not lead to a harmful exacerbation of this.
8. Given the location of extended parts of the dwelling in relation to the neighbouring properties I am of the view that there would be sufficient distance to avoid any overbearing impact or the further loss of light. The replacement garage would be repositioned closer to the boundary and have a higher ridge height than the existing building. In the context of what may be constructed under permitted development rights, the proposed sloping roof would avoid an overbearing impact and there would be no harmful loss of light given its relation to the primary windows of the neighbouring dwelling.
9. The scheme would provide a garage plus 2 additional off street parking spaces. The Council has identified that the development accords with the guidance of the Highway Authority, set out in Leicestershire Highways Design Guide. Whilst I noticed a level of on street parking on the road at the time of my site visit, there is little before me to indicate that the development would lead to highway safety concerns as a consequence of access or inadequate off street parking.

10. Whilst issue has been raised with the loss of a bungalow within the settlement, as it is a single dwelling, the material impact will not be significant and the development will still provide accommodation to meet a housing need.
11. The Council has submitted a plan show the location of a Conservation Area in relation to the site. They are of the view that the position of the development in relation to the boundaries of the Conservation Area would not lead to any harm to the setting of the Conservation Area. Given the distances involved and the views into and out of the Conservation Area, I have no reason to disagree.
12. Although concerns have been raised about the impact on vegetation and wildlife, my observations on site show that there is little currently and so any impact will be minimal.
13. Interested parties have identified inaccuracies with the submitted plan. Noting that there has been a number of plans submitted to reflect various iterations of the scheme, there is little before me to demonstrate that the plan before is inaccurate.

Conclusion and Conditions

14. For the reasons identified and having regard to all other matters, the appeal is allowed, subject to necessary planning conditions.
15. In attaching conditions I am mindful of paragraph 55 of the National Planning Policy Framework, which states that they should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. The Council has suggested a number of conditions which I have assessed on this basis and made modifications where necessary in the interests of clarity.
16. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. A materials condition is necessary to protect the character and appearance of the area. A condition removing some permitted development rights is necessary to protect the living conditions of neighbouring residents.

K Ford

INSPECTOR