

Appeal Decision

Site Visit made on 1 December 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: 16 December 2020

Appeal Ref: APP/F2415/D/20/3259546

19 Lammas Close, Husbands Bosworth, LE17 6LL

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 Lewis Wells against the decision of Harborough District Council.

The application Ref 20/01067/FUL, dated 21 July 2020, was refused by notice dated 11 September 2020.

The development proposed is described as 'side two story extension'.

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.

Main Issue

4. The effect of the proposed development upon the living conditions of the occupiers of neighbouring properties, with regard to privacy.

Reasons

5. The rear gardens to the appeal property and No 4 Cherry Tree Close overlap along a common boundary which comprises a close boarded fence. The proposed development would sit in an elevated position relative to No 4 and would contain a bedroom window at first floor level in its rear elevation.
6. Although there would no loss of privacy to the rooms within No 4 because of the separation distance that would occur from the new first floor window proposed, there would be clear views of the garden area of No 4 from the new

bedroom window. This window would be much closer to the garden than the existing first floor non obscured window and would allow occupiers of the extension direct views into No 4's rear garden. This would result in a significant reduction in privacy within the rear garden environment and would be likely to make this space less pleasant to use as a result.

6. The appeal site sits at a slightly higher level than No 6 Cherry Tree Close. The front garden of the appeal property overlaps with the front garden of No 6, resulting in a separation distance between the properties of approximately 9 metres, according to the Council Officer's report. Notwithstanding the offset positions of the respective properties there would be a direct line of sight between the front windows of the new extension and the front windows of No 6. I am mindful that the occupiers of No 6 did not object to the proposal, however, I consider that the close relationship that would result from the extension to No 6 would result in a loss of privacy to front habitable rooms of this property which would make the accommodation within it less pleasant to use.
7. In light of the above I conclude that the proposal would be harmful to the living conditions of the occupiers of neighbouring properties at Nos 4 and 6 Cherry Tree Close, contrary to Policy GD8 of the Harborough District Local Plan 2011 to 2031, which requires development to be designed so that it does not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, amongst other matters. This policy is in broad conformity with paragraph 127 of the National Planning Policy Framework, which seeks places to be created with a high standard of amenity for existing and future users.

Conclusion and Recommendation

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

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

10. 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