The Planning Inspectorate

Appeal Decision

Site visit made on 1 February 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2021

Appeal Ref: APP/X2410/D/20/3261441
77 Moorgate Avenue, Birstall, LE4 3HJ

- 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 and Mrs Romy and Heena Khunti against the decision of Charnwood Borough Council.
- The application Ref P/20/1156/2, dated 7 July 2020, was refused by notice dated 4 September 2020.
- The development proposed is described as a "part two storey side extension, part single storey side extension, porch to the front, C3 alterations".

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed development on:

   - The living conditions of the occupiers of the host property with particular regard to private outdoor space; and
   - The living conditions of the occupiers of No 102 Harrowgate Drive with particular regard to sunlight and outlook

Reasons

Living conditions – host property

3. The appeal property is a semi-detached house located on the corner of Moorgate Avenue and Harrowgate Drive, with the other half of the pair (No 102 Harrowgate Drive) being attached to the rear elevation of the host property. As a result, the private garden area for No 77 is located at the side, between it and No 75. This area, although modest in size and partially occupied by a detached garage still provides a useable area of private outdoor space for the dwelling.

4. It is not disputed that the proposal would be subservient to the main dwelling. Nonetheless, the proposed side extension would occupy a large proportion of the private garden area, leaving only a "corridor" between it and the detached garage, and a small area to the rear of the garage, to provide any private outdoor space for the property. Whilst I have not been made aware that the Council has any minimum standards for gardens, for what would be a 4 bedroomed house, this would be a very small area of outdoor space.

5. The area between the extension and the garage would provide no meaningful useable space other than to enable the passage of people. The area to the rear

of the garage, would be enclosed on all sides by buildings or the boundary fence to No 102, the outlook from it would thus be unattractive. Moreover, the extension and garage would result in it being overshadowed for much of the day. Thus, it would be unlikely to be a pleasant place to spend time.

6. Consequently, I consider that the proposal would not provide acceptable living conditions for the occupiers of the host property with particular regard to private outdoor space. It would therefore conflict with Policy CS2 of the *Charnwood Local Plan 2011 – 2028 Core Strategy (adopted November 2015)* which requires developments to have a high standard of design that protect the amenity of people who live nearby, or who will live in the development, and that provide attractive public and private spaces.

Living Conditions – adjacent occupiers

7. The rear elevation of No 102 contains patio doors and a window at the ground floor level and 2 windows on the first floor. The property has a relatively small rear garden, nonetheless it is clear that it is well used, with seating areas provided as well as lawn and planting. Along much of the rear boundary of the garden is the side elevation of part of a building belonging to No 75. Due to the topography this is at a higher level than the garden and it creates a sense of enclosure to the garden, as well as limiting the outlook from the ground floor windows on the rear elevation.

8. Although the two storey element of the proposed extension would be set away from the boundary with No 102, both it and the single storey element would be clearly visible above the current boundary fence. Whilst the blank elevations would not cause any overlooking of the neighbouring property or its garden, the proposal would add further to the sense of enclosure in this neighbouring garden, and the scale and mass of the extension would result in it having an overbearing impact on it.

9. Moreover, the location of the extension to the west of the adjacent garden, means it would significantly increase the overshadowing experienced by the garden and windows on the rear elevation, particularly in the late afternoon and evening. This would make the garden, in particular, a much less pleasant place to spend time.

10. Therefore, I consider the proposal would unacceptably harm the living conditions of the occupiers of No 102 Harrowgate Drive with particular regard to sunlight and outlook. Accordingly, it would be contrary to Policy CS2 outlined above and also Policies H/17 and EV/1 of the Borough of Charnwood Local Plan 1991-2006 (adopted January 2004) which require that developments in general, and house extensions in particular, are not detrimental to the amenities of nearby occupiers.

Other Matters

11. The appellant has argued that a single storey extension no more than 3m wide could be constructed as permitted development. Even if this is correct, such an extension would not be as substantial as the proposal now before me.

12. Whilst there is no objection on highway grounds, this does not outweigh the harm I have identified the scheme would cause.

Conclusion

13. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR