



Appeal Decision

Site visit made on 16 August 2021 by Darren Ellis MPlan

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/X2410/D/21/3275638

26 Main Street, Cossington, LE7 4UU

- 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 & Mrs Justin & Laura Hunt against the decision of the Charnwood Borough Council.
 - The application Ref P/21/0258/2, dated 5 February 2021, was refused by notice dated 7 May 2021.
 - The development proposed is construction of part single and part 2-storey extension to rear of property, installation of new boundary fence and gate following demolition of garage, rendering of property including extension and replacement of windows.
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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 Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been taken into consideration within the appeal decision.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring properties at Nos 24 and 28 Main Street, with particular regard to light.

Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling in Main Street, Cossington. An existing rear conservatory would be replaced by the proposed extension. The single-storey extension would project 7.5m beyond the original rear elevation of the dwelling and would span the whole width of the house. The two-storey part of the extension would project approximately 5.3m from
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the rear elevation and would be set in 1.25m from the side elevation adjacent to the neighbouring property at No 28.

6. The Design Supplementary Planning Document (January 2020) (SPD) provides guidance to prevent a development from significantly reducing the level of daylight enjoyed by neighbouring buildings. Paragraph 3.155 of the SPD states that when a proposed building is close to a facing habitable room window, the 25-degree guideline should be used to establish if a material loss of daylight is possible. Figures 13 and 14 and paragraphs 3.159 to 3.162 explain the 25-degree guideline, and state that the 25-degree guideline applies when the proposed development is within 90 degrees of a south-facing window. As such, the 25-degree guideline is not limited to developments that directly face a habitable room window.
7. The adjacent neighbour at No 24 has a south-facing ground-floor window in the side elevation that directly faces the appeal dwelling. This window is the sole window that serves the kitchen at No 24, and is 2.8m away from the side elevation of the appeal property. Owing to the layout of the properties, this window currently has a limited outlook and its moderate supply of natural light largely comes from the area immediately to the rear of the appeal property.
8. Owing to its considerable scale, projection and proximity to No 24, the proposed extension would substantially reduce the natural light received by the kitchen window. Furthermore, the proposed extension would be set within 90 degrees of a south-facing window to a habitable room and, given its height, the proposed extension would fail to satisfy the 25-degree guideline.
9. Similarly, the adjacent neighbour at No 28 also has a kitchen window in the side elevation which faces a boundary fence and the appeal property. The window is a north-facing window, and as such the 25-degree guideline does not apply. Notwithstanding this, the 25-degree guideline is not the sole determiner of whether a proposal would cause harm to the amount of light received by a window to a habitable room.
10. The kitchen window at No 28 is 2m from the side elevation of the appeal property, and consequently it receives a limited amount of natural light due to the proximity of the appeal property. This window may have originally been a secondary window to the kitchen with the primary window being lost when a rear extension was constructed. Nevertheless, the existing window is currently the sole window serving the kitchen, which is a habitable room, and relies on the area immediately to the rear of the appeal property for daylight. The proposed extension would be set away from No 28, however the height, projection and proximity would still cause a significant reduction to the light that is received by the kitchen window at No 28.
11. I recognise that the proposed hipped roof of the two-storey extension has been designed to lessen the impact of the proposal on the neighbouring properties. However, due to the projection of the extension the hipped roof would not significantly mitigate for the loss of light that would be caused by the extension as a whole.
12. Given the layout of the appeal property and the neighbouring properties, the kitchen windows at Nos 24 and 28 would only receive a minimal amount of direct sunlight. The proposal is therefore unlikely to cause a significant impact to the amount of direct sunlight received by these windows.

13. Overall, I conclude that the proposal would cause harm to the living conditions of the occupiers of Nos 24 and 28 Main Street as a result of the substantial reduction of natural light that would be caused by the proposed extension. The proposal would therefore be contrary to saved policy H/17 of the Borough of Charnwood Local Plan (January 2004) and policy CS2 of the Charnwood Local Plan Core Strategy (November 2015), which both seek to prevent development which be detrimental to the living conditions of occupiers of nearby properties, including by causing a substantial loss of light. The proposal would also fail to achieve the aims of the SPD with regard to daylight received by neighbouring buildings.

Other Matter

14. The appeal site lies opposite the boundary of the Cossington Conservation Area (CA). The proposed extension would be to the rear of the property and therefore would not effect the setting of the CA. The proposal includes the application of render to the whole of the application property. Given the mix of exterior materials in the street, including render, this element of the proposal would not detract from the setting of the CA. However, this carries neutral weight in the consideration of this appeal.

Conclusion

15. 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

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall dismiss the appeal.

Martin Seaton

INSPECTOR