



Appeal Decision

Site Visit made on 2 November 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/X2410/W/21/3278339

9 Fearon Street, Loughborough LE11 5DG

- 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 R Record of Rare Properties against the decision of Charnwood Borough Council.
 - The application Ref P/21/0367/2, dated 18 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is internal alterations to layout and single/two storey extensions to rear of house in multiple occupation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of Nos. 7 and 9 with respect to outlook and privacy.

Reasons

3. The property accommodates a two-storey mid-terrace house with a two-storey outrigger. The proposal would extend from this outrigger over two storeys with a single storey part at its rear. The extension would be slightly wider than the existing outrigger bringing it closer to the neighbouring property at No.7.
4. No. 7 mirrors No. 9 but has a single storey extension to its outrigger. There are ground floor windows on the rear elevation of the main part of the house and along the side of the outrigger and extension. At present the view from the rear facing window is framed by the outriggers of both houses. The side facing windows directly face the house at the appeal site. Consequently the outlook from the neighbouring windows is already partially restricted.
5. The plans show that the proposal would extend closer to No. 7 by 800mm with the side elevation of the extension having an eaves height of a little over 4m and a depth of just over 6m. Although a gap to No. 7 would be maintained, the extension would be a significant mass of built form in proximity to the neighbour's windows. As a result, it would substantially reduce the already restricted outlook from the neighbouring windows and the light received by them. It would appear as an enclosing feature when seen from them.
6. The extension would also impact on the outlook from the dining room/lounge at the appeal site. However, this would be to a lesser extent as it would generally only be the additional width of the extension that would be seen from here, whereas from No. 7 the additional width and the depth would be visible.

7. The distance between the kitchen windows at No. 9 and the side facing windows at No. 7 would remain unchanged by the development. Therefore, whilst there is a degree of intervisibility between the two properties, this would not be exacerbated by the proposal. As such the development would not reduce the privacy for either party. The use of matching materials is also acknowledged.
8. Nevertheless, the extension would substantially reduce the light to, and outlook from, No. 7 and so would have an unacceptable impact on the living conditions of its occupiers. As such the development would fail to accord with policy CS2 of the Charnwood Core Strategy and policies EV/1 and H/17 of the Charnwood Local Plan which together seek to ensure that extensions protect the amenity of adjoining residents.
9. I recognise the proposal is an attempt to overcome a previously refused application. However it appears, from the details provided, that the first floor part of the previous scheme was narrower, hence further away from No.7, than the current proposal. Therefore the current proposal is more obtrusive in this regard.
10. The other examples provided by the appellant are noted. But these all relate to single storey extensions so are fundamentally different to the two-storey proposal before me.

Conclusion

11. The proposal would be unacceptably harmful to the living conditions of neighbouring occupiers. As such, it would fail to accord with the development plan as a whole and there are no other considerations to indicate the decision should be made other than in accordance with the development plan.
12. Therefore, for the reasons given above, and taking account of all other matters, the appeal is dismissed.

Andrew Owen

INSPECTOR