



Appeal Decision

Site visit made on 15 November 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2022

Appeal Ref: APP/X2410/D/21/3278296

39A Rosebery Street, Loughborough LE11 5DX

- 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 Lavender Property Services against the decision of Charnwood Borough Council.
 - The application Ref P/21/0369/2, dated 18 February 2021, was refused by notice dated 21 April 2021.
 - The development proposed is internal alterations to layout and single storey extension to rear of house in multiple occupation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. The parts of the Framework most relevant to the Council's reason for refusal, and therefore this appeal, have not been significantly amended. As a result I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issue

3. The main issue is the effect of the proposed development on living conditions for occupiers of the appeal property and the neighbouring property at No 39 Rosebery Street, with particular regard to outlook and daylight.

Reasons

4. 39A Rosebery Street is a mid-terrace dwelling, within an area of similar properties close to Loughborough town centre. In common with other properties in the block, it has a two-storey rear outrigger (in this case shared with No 37) which accommodates the kitchen at ground floor level with a bathroom and separate WC above.
5. Beyond the rear outrigger is a small brick outbuilding. The proposal is to demolish this outbuilding, and to erect in its place a new extension which would

accommodate a new bedroom, shower room and utility room, and would also allow for some expansion of the kitchen. The extension would be approximately 3.4m wide, making it slightly over 1m wider than the existing kitchen, and would extend for approximately 7m beyond the rear elevation of the outrigger¹. There would be a space of around 0.7m between the side of the extension and the boundary between the appeal property and No 39 next door.

6. I saw on my site visit that the rear yards of No 39A and No 39 are narrow and are already tightly hemmed in by the rear outriggers. There is a window on the main rear elevation of the appeal property which serves a lounge and dining room. The proposed extension would close off the already constrained view from this window, from where it would be an overbearing feature which would significantly restrict the outlook. The extension would also be likely to further reduce the daylight entering that window, making the lounge and dining room darker and gloomier as a result. I note that as part of the proposal it is intended to replace the existing window with a set of double doors; while this would allow a little more daylight to enter the property, in my view it would be unlikely to mitigate the harm caused by the proposed extension. I therefore consider that the proposed extension would make the appeal property a less pleasant place to live.
7. The proposed extension would also be close to a window on the main rear elevation of No 39, which appeared to me to serve a habitable room, as well as the kitchen window on the side of the outrigger of No 39. The extension would breach the "45-degree rule" described in the Council's 2020 *Design Supplementary Planning Document*, and would reduce the amount of daylight the rear windows at No 39 would be likely to receive. As a result of its size and siting it would diminish the outlook from those windows, increasing the sense of enclosure at the rear of No 39. As with the appeal property itself, the proposal would make No 39 a gloomier and less pleasant place to live.
8. The appellant has drawn my attention to other rear extensions which have been permitted nearby at Nos 30, 91 and 130 Paget Street, and at No 62 Granville Street. I was not able to see these examples at the time of my site visit, although I have been provided with decision notices, officer reports and some (although I do not think all) of the approved plans. While the proposal at No 30 Paget Street appears similar to that in this appeal, I note that the officer report stated that no neighbouring habitable rooms would be affected, which is not the case in this appeal. It also appears that the rear of those properties faces south east, and so the considerations in respect of daylight may have been very different.
9. In respect of the other permissions put forward, I note that in each case the Council concluded that there would not be a substantial loss of light (or, presumably, outlook) for the occupiers of either the host property or its neighbours. However, each case must be judged on its own merits and, for the reasons I have set out above, based on all the evidence before me and my observations on site I have come to a different view in respect of this proposal.
10. I conclude that the proposed extension would be harmful to living conditions for occupiers of the appeal property and for occupiers of the neighbouring property at No 39 Rosebery Street because of a loss of daylight and outlook.

¹ The Council's officer report states that "the proposed replacement extension would be 5.9m", but the 7m figure appears in both the submitted drawings and the appellant's statement and appears to be more accurate.

The proposal therefore conflicts with Policy CS2 of the 2015 Charnwood Core Strategy, and with Saved Policies EV/1 and H/17 of the 2004 Charnwood Local Plan. Among other things, these policies require development, including extensions, to protect the amenity of current and future occupiers. For the same reasons, the proposed extension would not comply either with the requirements of Paragraph 130 of the Framework or the 2019 National Design Guide.

Other Matters

11. The appeal site is within the Ashby Road Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189), and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 201).
12. The proposed extension would be relatively small in scale, largely in keeping with the character and appearance of the existing dwelling (including in the choice of materials), and in a position where it would not be prominent in public views. The Council was satisfied that the character and appearance of the Conservation Area would be preserved. None of the evidence before me or what I saw at the time of my site visit leads me to a different conclusion in this respect, although that the proposal is acceptable in this matter does not outweigh the other harm I have found.

Conclusion

13. The proposal would be harmful to living conditions for occupiers of the appeal property and for neighbours, and so would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector