
Appeal Decision

Site visit made on 27 January 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 FEBRUARY 2022

Appeal Ref: APP/G2435/D/21/3288054
16 Cornfield Close, Ellistown, LE67 1GJ

- 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 Chris Pearson against the decision of North West Leicestershire District Council.
 - The application Ref 21/01253/FUL, dated 23 June 2021, was refused by notice dated 17 September 2021.
 - The development proposed is a single storey rear extension with balcony above and external staircase.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is 'single storey rear extension with balcony above'. At validation stage, the Council amended the description of development to 'single storey rear extension with balcony above and external staircase'. No objections were raised to this by the applicant. I have therefore used the Council's description of development, which is more precise.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupiers of 23 Battleflat Drive and 14 Cornfield Close, with particular regard to overlooking.

Reasons

4. The appeal property is a detached house located on a corner plot within a modern housing estate. It has a detached garage to the rear, which restricts views into the rear garden of neighbouring No. 14 Cornfield Close.
5. No. 23 Battleflat Drive is located directly behind the appeal property and has no habitable room windows facing the appeal site.
6. I viewed the appeal site and its surroundings from the garden and the first floor bedroom windows to the rear of the appeal property. I also walked around the immediate surrounding area.
7. Although the estate is densely developed, with minimal separation distances between dwellings, due to the orientation of the buildings, the slight difference

in levels, the boundary fencing and the siting of pitched roof detached garages in the rear gardens, the only garden I could see a significant part of, even from the first floor rear windows of the appeal property, was that of 23 Battleflat Drive to the rear.

8. I acknowledge that this garden is already overlooked by the first floor bedroom windows of the appeal property but generally speaking, most people do not spend long periods of time sitting and looking out of bedroom windows, whereas the point of a balcony is generally to sit outside on and enjoy a view. Moreover, the balcony proposed is of a size that would accommodate the whole family and visitors sitting outside on for long periods of time.
9. During the course of the application, amended plans were submitted to include high level obscure glazed screening around the balcony. This would appear somewhat unsightly, particularly given the projection of the balcony and external staircase beyond the rear wall of the original L shaped building line.
10. Although the obscure glazed panels would restrict views from the balcony and first floor bedroom windows in the rear elevation of the appeal property, the external staircase would not be screened and would result in overlooking of the rear garden to No.23 Battleflat Drive. Whilst I accept that the stairs would not be used in the same way as the main balcony area, as the main means of access between the garden and the balcony, the use would be quite intensive, particularly during the summer time and periods of good weather, which is when the neighbours are also likely to be enjoying the use of their own garden. The screening around the main balcony would also encourage the use of the stairs as a means of watching and communicating with other household members and visitors using the garden space and would unavoidably result in a significant loss of privacy to the rear garden of No.23 Battleflat Drive.
11. The proposal would therefore be contrary to policy D2 of the adopted North West Leicestershire Local Plan, which states that development proposals will be supported where they do not have a significant adverse effect on the living conditions of residents through loss of privacy.

Conclusion

12. For the reasons given above the appeal is dismissed.

Rachael Bartlett

INSPECTOR