



Appeal Decision

Site visit made on 8 December 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 FEBRUARY 2022

Appeal Ref: APP/A2470/D/21/3281386
8 Larchfield, Oakham LE15 6PP

- 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 N Cox against the decision of Rutland County Council.
 - The application Ref 2021/0624/FUL, dated 14 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is rear first floor extension to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issue in this appeal to be the impact of the proposed development on the amenity of the occupiers of no's.14 and 16 Springfield Way with particular regard to overlooking and overbearing.

Reasons

3. The appeal property is a two storey detached dwelling located on a cul-de-sac on a plot which widens from front to back. The dwelling is orientated with its gable facing the front and rear of the plot. It has a single storey rear extension with a single pitched roof and the proposed development would introduce a first floor above this. The proposed extension would be of dual pitch to match the existing gable, providing two windows to this elevation, serving the proposed bedroom.
4. The appeal site shares its rear boundary with dwellings on Springfield Way with a close-board fence serving as the rear boundary treatment. The properties on Larchfield and Springfield Way have a back to back relationship with the appeal site boundary being shared with numbers 14 and 16 Springfield Way.
5. The Council state that the separation distance between first floor rear elevations from the appeal site proposal and the dwellings at Springfield Way would be approximately 17m at its closest point as a result of the development. At two storeys high and with the gable end emphasising the height of the development, the proposal would consequently create a dominant and oppressive feature which would have an overbearing effect upon outlook from both the rear garden and rear facing habitable rooms of no's 14 and 16.

6. I was also able to see that there is a two storey extension at no. 16, however the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar extensions may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
7. Whilst I acknowledge that the appeal site may be set at a slight angle to the neighbouring properties to the rear, the overall effect is that of dwellings facing each other and I was able to see at my site visit that there is already some element of overlooking between properties here. The proposed development would introduce two windows at first floor which would be brought closer to the boundary with the properties to the rear. Through the siting and elevated position, the proposed extension would result in an unacceptable level of overlooking of the garden of no's 14 and 16 Springfield Way. Due to the rear gardens of other properties being further away from the appeal property, I find that the effect on those properties would not be unacceptable.
8. I therefore conclude that the proposed extension would cause significant harm to the living conditions of occupants of 14 Springfield Way with regard to overbearing and overlooking. It would be contrary to Policy CS19 of the Core Strategy¹ which expects good design, including (amongst other things) that development does not cause unacceptable effects by visual intrusion or overlooking and Policy SP15 of the Development Plan Document² which also expects protection of neighbouring amenity and occupiers.

Other Matters

9. Reference has been made to permission that was granted in Langham Rutland³ for a two storey extension that would be built right up to the boundary of an existing property and that the extension would take all the light from the property. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
10. The appellant has expressed concerns regarding communication with the Council during the application determination process. Whilst this may have caused the appellant some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR

¹ Rutland Core Strategy Development Plan Document (July 2011)

² Site Allocations & Policies Development Plan Document (October 2014)

³ 2021/0525/FUL