



Appeal Decision

Site visit made on 15 February 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 FEBRUARY 2022

Appeal Ref: APP/A2470/D/21/3285015

9 Main Street, Barrow, Oakham LE15 7PE

- 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 Kevin Williams against the decision of Rutland Council.
 - The application Ref: 2021/0926/FUL, dated 2 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is the conversion of existing front elevation roof window into a pitched roof dormer window. Installation of heat pump to rear. Modification of existing rear extension to incorporate a masonry and glass upper storey with solar panels on the south facing pitch. Access to the proposed non habitable area to be via existing door from lounge. The existing roof lantern will be retained.
-

Decision

1. The appeal is dismissed insofar as it relates to an upper storey rear extension. The appeal is allowed insofar as it relates to a front dormer window and a heat pump and planning permission is granted for a front dormer window and a heat pump at 9 Main Street, Barrow, Oakham LE15 7PE in accordance with the terms of the application, Ref: 2021/0926/FUL, dated 2 July 2021, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:1250, Drawing 2 Proposed Site Plan, Drawing 4 Proposed Floorplans and South and West Elevations, Drawing 5 Proposed East Elevation, Drawing 6 Proposed North Elevation.
 - 3) The materials to be used in the construction of the external surfaces of the front dormer window hereby permitted shall match those used in the existing building.
 - 4) Manufacturer details of the heat pump hereby permitted shall be submitted to and approved in writing by the local planning authority before the heat pump is installed. The heat pump shall be installed in accordance with the approved details and thereafter maintained.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. This involves a proposed rear upper storey extension with solar panels (proposed rear extension), a proposed front dormer window and a proposed heat pump. The appellant has also informed that the existing roof lantern did not form part of the related planning application and so I have not considered it further.
3. The Council's decision notice also refers to the installation of solar panels on the existing roof. It goes on to state that they are not likely to require permission, subject to the provisions of the Town and Country Planning (General Permitted Development) (England) Order (as amended). Hence, they are not for my consideration. The electricity storage batteries that are also referred to on the decision notice would be contained within the proposed rear extension, and so I have considered them accordingly.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the building; (ii) the living conditions of the occupiers of 8 Main Street (No 8) by way of privacy; and (iii) matters arising from the proposed heat pump.

Reasons

Character and Appearance

5. The appeal property comprises a semi-detached house that has been the subject of a number of extensions and alterations. These include a large 2 storey extension to the side, rear single storey extensions and a rear box dormer extension. The adjoining property has also been the subject of extensions, most notably a 2 storey side extension that projects past its rear elevation. Otherwise, the appeal property lies within distinctively countryside surroundings on the edge of the small rural settlement of Barrow.
6. The proposed rear extension would be sited over an existing rear flat roofed element and to the rear of the existing 2 storey side extension. Its design would vary considerably from the existing extended dwelling because it would largely constitute a steel framed structure that would support a glazed panel roof. Even when the various existing extensions and alterations are considered, it would represent an incongruous addition and it would not relate well to the design of the dwelling.
7. That the visibility of the proposed rear extension from public vantage points would be limited, despite that it would be at a raised level, would not address that it would be out of keeping with the dwelling. It would not sit comfortably at the rear of the property with its contrast in appearance. I have considered it against the dwelling as it stands now, notwithstanding that the Council previously refused extension(s) that were subsequently allowed on appeal and now form part of the enlarged dwelling, and where the Council now has concerns by way of the effect of the proposal. This is also where my concerns arise.
8. I conclude that the proposed rear extension would have an unacceptable effect on the character and appearance of the building. As such, it would not comply

in this regard with Policy CS19 of the Rutland Local Development Framework Core Strategy Development Plan Document (2011) and Policy SP15 of the Rutland Local Plan Site Allocations & Policies Development Plan Document (2014) where they concern character, appearance and good design, amongst other matters. It would also not comply with the Council's Extensions to Dwellings Supplementary Planning Document (2015) where it involves appearance.

9. The proposed front dormer window would appear as a modest feature on the front roof plane. It would be in keeping, as viewed from the streetscene. The proposed heat pump would be situated to the rear of a projection off the existing 2 storey extension and not readily visible. These aspects would not have an unacceptable effect on the character and appearance of the building. They would accord with Policies CS19, SP15 and the SPD.

Living Conditions

10. The planning permission¹ that concerns the existing rear flat roofed element includes a condition that restricts the use of the roof to protect the privacy of the occupiers of No 8. In this regard, I observed on my site visit that the door onto the roof contained a locking mechanism and so access is controlled.
11. Access would be required into the proposed rear extension in order to maintain the solar batteries. The appellant has pointed to that such maintenance would be occasional, and there is not substantive evidence to the contrary. Access is not sought for recreational purposes and so there would not be any great period of time when the overlooking of the rear of No 8 would be likely to occur. The occupier(s) of the appeal property would not be sitting or standing in the structure, other than for sporadic maintenance related purposes.
12. If I was minded to allow the proposed rear extension, its use would be a matter that could ably be addressed through the imposition of a planning condition. Such an approach would not contravene the existing permission because it would not permit the use of the roof as a sitting out or recreational area. In coming to this view, I have considered the totality of the planning history of the site that has been brought to my attention. Nor would any other elements that are for my consideration cause undue overlooking of No 8.
13. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 8 by way of privacy. Therefore, it would comply in this regard with Policies CS19 and SP15 where they set out that development shall not cause unacceptable effects by way of overlooking and should protect the amenity of the wider environment and neighbouring uses in terms of overlooking and loss of privacy. It would also accord with the similar intentions of the SPD.

Heat Pump

14. The Council's concerns over the proposed heat pump are not wholly apparent, other than that there are no manufacturer's details supplied. Where the proposed heat pump would be sited is though established through the submitted plans. If the concern is the protection of the living conditions of the occupiers of the neighbouring property, then the heat pump would be situated on the far side of the appeal property from No 8. Similarly, the submitted

¹ Council re: 2019/1134/FUL

plans indicate the size of the heat pump as a modest feature. Clearly, it would only be serving one dwelling.

15. Manufacturer's details can be dealt with satisfactorily through a planning condition to ensure that such details can be assessed in relation to the impact as regards living conditions and character and appearance. It would not be a case that such a condition would potentially nullify a permission, as the siting is established at this stage.
16. I conclude that the proposed heat pump would not cause unacceptable effects, subject to the imposition of a planning condition. Thus, it would comply in this regard with Policies CS19 and SP15, and the SPD where they concern the protection of living conditions and design.

Other Matters

17. The proposed rear extension would have the benefit of accommodating solar panels and housing the related batteries, with regard to promoting renewable energy development and combating climate change. However, character and appearance is also a legitimate planning consideration. This is decisive in this case as regards this aspect of the proposal with the unacceptable harm that would arise. The proposed rear extension would be a markedly discordant element. Whilst concerns have also been raised about fire risk from the batteries, as I am dismissing the proposed rear extension that would accommodate these batteries, it is not a matter that needs to be considered further.
18. As I do not find unacceptable harm would be caused by the proposed front dormer window and the proposed heat pump, planning permission should not be withheld for them, subject to conditions. They are severable from where I find the proposal unacceptable.

Conditions

19. In addition to the timescale for implementation, I have imposed a condition concerning the plans which show the proposal so far as relevant to that part of the development hereby permitted. This is for the purposes of certainty.
20. I have also imposed a condition by way of matching materials to the existing house with regard to the proposed front dormer window. This is in the interests of protecting the character and appearance of the building and the area. I have also imposed a condition concerning the manufacturer's details for the proposed heat pump, in the interests of protecting living conditions, and the character and appearance of the building and the area.

Conclusion

21. I conclude that the appeal should be allowed insofar as it relates to the proposed front dormer window and the proposed heat pump, but dismissed insofar as it relates to the proposed rear extension.

Darren Hendley

INSPECTOR