



Appeal Decision

Site visit made on 14 December 2021

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/Y2430/W/21/3277653

Orchard House, 161 Scalford Road, Melton Mowbray LE13 1LA

- 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 Ms Jessie Harris against the decision of Melton Borough Council.
 - The application Ref 20/01512/FUL, dated 21 December 2020, was refused by notice dated 7 May 2021.
 - The development proposed is 2 no. detached dwellings and new access to the rear of 161 Scalford Road. Demolish existing garage to 161 Scalford Road and replace with smaller detached garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Harris against the Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers at Balmoral Road with particular regard to outlook and daylight.

Reasons

4. The appeal site is an area of rear garden land and garage serving the host dwelling. It lies adjacent to four single storey properties on Balmoral Road, which have main entrances facing the appeal site according to a sign on the end dwelling. Their facing elevations each contain a number of windows (at least one of which is not obscure glazed in each case), and a front door. The windows are of a relatively standard size and appearance, and there is nothing before me to suggest that they do not provide significant outlook or daylight to the properties. The Council submits that one of these serves a kitchen and there is no substantive evidence to the contrary. This is generally a room in regular use where reasonable levels of outlook and daylight would be important.
5. A walkway (the walkway) passes directly in front of each of these properties. A mature hedgerow between the walkway and the appeal site limits the available outlook and daylight to the facing elevations of the properties, which is likely to be the case year-round due to the hedgerow's coniferous species.

6. Nevertheless, the occupiers have a view of sky above the natural form of the hedgerow due to the lack of built form within the adjacent appeal site. This "sky gap" forms an important element of the outlook from and daylight to the facing elevations to these dwellings (irrespective of whether these form the front of the properties), given that the hedgerow already restricts these matters by some degree.
7. The two-storey built form of the proposed dwelling at Plot 2 would lie in close proximity to the boundary with the Balmoral Road properties. The appeal scheme would consequently partially replace the sky gap with a significant projection of built form which would unacceptably harm the outlook from the facing elevation of the Balmoral Road properties. This would particularly be the case in respect of No. 24 Balmoral Road, due to its location almost entirely parallel with the proposed dwelling at Plot 2. The proximity and scale of the new property would additionally be likely to result in an unacceptable reduction in levels of daylight to No 24.
8. The identified harm arises in large part from the replacement of the sky gap above the boundary hedgerow with built form. Thus, the suggested retention of the hedgerow and the planned lack of windows within the facing elevation of the new dwelling would not acceptably reduce the harm.
9. Accordingly, the proposal would cause unacceptable harm to the living conditions of neighbouring occupiers at Balmoral Road with particular regard to outlook and daylight. Thus, it conflicts with Policy D1 of the Melton Borough Local Plan (2018), which states that the amenity of neighbours and neighbouring properties should not be compromised by new development.

Other Matters

10. Although officer recommendations were to grant permission in this case, planning authorities are not bound to accept the recommendations of their officers and therefore councillors were entitled to reach an alternative view on the main issue. As such, I do not attach weight to this matter in determining the appeal.
11. I have had regard to other matters raised, including concerns about privacy and highway safety. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Planning Balance

12. The Government's objective is to significantly boost the supply of housing and the proposal would provide two modern homes in a location with adequate access to services. The scheme would also lead to limited economic benefits resulting from extra local employment during the construction phase and from the potential support of occupiers for local services and facilities. Given the small scale of the proposal, the provision of the additional housing attracts modest weight.
13. There is nothing before me to suggest that the proposal would cause unacceptable harm in terms of design or its effect on the natural environment. The appellant refers to a lack of objection from statutory consultees. However, these are neutral matters which do not attract weight.

14. Conversely, the proposal would cause unacceptable harm to the living conditions of neighbouring occupiers. This matter attracts significant weight and outweighs the benefits associated with the proposed development.

Conclusion

15. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR