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## Appeal Decision

Site visit made on 18 May 2022

**by M Russell BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25/05/2022**

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**Appeal Ref: APP/F2415/D/21/3288373**

**644 Uppingham Road, Leicester LE7 9RN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mrs Singh against the decision of Harborough Borough Council.
  - The application Ref 21/01698/PDN, dated 13 September 2021, was refused by notice dated 19 November 2021.
  - The development proposed is enlargement of a dwellinghouse by the construction of an additional storey.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development given on the application form is extensive in detail. I have had regard to this detail in my assessment. However, for the purposes of my banner heading, I have used a more concise description having regard to those given on the Council's decision notice and the appellant's appeal form.
3. The site location plan provided indicates that the adjoining neighbour on Uppingham Road is No 642. However, I saw for myself on site that the neighbouring dwelling on Uppingham Road is No 646 as is referenced under the main issues.
4. The appellant has raised concern that the Council assessed the scheme against various policies and not against the GPDO. While the delegated report lists national and local policies, the report clearly assesses the proposal against the limitations and conditions under class AA.1 and AA.2 of Part 1 of Schedule 2 of the GPDO and not policies are referenced on the decision notice. In any case, the National Planning Policy Framework (the Framework) and Development Plan policies can be considered relevant in prior approval cases but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

### Main Issues

5. The main issues in this appeal are whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the effect of the proposal on:
  - (i) the external appearance of the dwellinghouse; and

- (ii) the amenity of adjoining premises, in relation to outlook, privacy and light.

## **Reasons**

### *External appearance*

6. The appeal dwelling is situated at the corner of Uppingham Road and Station Road. These roads are predominantly characterised by two-storey dwellings. Due to the gradient on Uppingham Road, the appeal dwelling sits at a slightly lower level than the neighbouring detached dwelling at No 646 Uppingham Road. In contrast the appeal dwelling is at a higher level than the neighbouring semi-detached dwelling at No 1 Station Road. Even accounting for the sloped topography, there is clear visual cohesion in terms of the two-storey scale of the dwellings on these roads and their gradual stepped roofscape. This gives a distinctive rhythm and consistency to the street scene.
7. Given the clear visual cohesion between the scale of the host dwelling and that of neighbouring dwellings in this instance, the surroundings are a relevant aspect of the consideration of the effect of the proposal on the appeal property's external appearance.
8. The proposed extension has been designed with features to match the existing dwelling. Even so, the greater bulk, height and scale of the resultant three-storey dwelling would not be viewed in isolation. In that regard, it would appear significantly at odds with the prevailing two-storey scale of dwellings on Uppingham Road and Station Road. It would also visibly disrupt the gradual stepped roofscape, particularly on Uppingham Road given its relative alignment, proximity and shared orientation to this line of dwellings. Consequently, the external appearance of the dwelling would appear incongruous and discordant with its immediate surroundings, undermining the character and appearance of these respective streets.
9. Given the degree of separation and intervening vegetation, the development would not materially impact upon the significance of the nearby Thurnby and Bushby Conservation Area. However, this does not overcome the identified harm to the immediate streetscene.
10. I therefore find that the proposal would have an unacceptable and harmful effect on the external appearance of the dwellinghouse, in conflict with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO.

### *Amenity of adjoining premises*

11. The rear elevation of the appeal dwelling aligns with the side elevation of No 1 Station Road. The offset position and the intervening space ensure that even accounting for the level changes, the host dwelling has a relatively understated presence when experienced from the rear garden and patio area serving No 1. The boundary vegetation in place further filters views between these two properties. The increased height and additional windows would be perceptible from this neighbouring garden, however, the factors described would continue to ensure that the proposal would not result in any material harm to levels of outlook and privacy for occupiers of this neighbouring dwelling.
12. Due to the position of the host dwelling at a lower level in relation to No 646 Uppingham Road, this would assist in reducing the perception of increased

scale when seen from the rear windows and garden serving this neighbouring property. As the rear elevation of the host dwelling is set back from the rear elevation of No 646, the second-floor rear elevation windows would only offer views towards the more peripheral parts of this neighbouring rear garden. In addition, the tall planting in place within the garden of No 646, would further filter these views. Therefore, I am satisfied that the proposal would also retain acceptable levels of outlook and privacy for occupiers of No 646.

13. Having regard to the relative position of neighbouring gardens and windows, and in the absence of any detailed evidence to demonstrate otherwise, I am also satisfied that acceptable levels of light would be retained for the occupiers of neighbouring properties.
14. For these reasons, I therefore find that the proposal would comply with paragraph AA.2(3)(a)(i) of Class AA of Part 1 of Schedule 2 of the GPDO, which relates to the impact on the amenity of any adjoining premises.

### **Other Matters**

15. The appellant contends that the Council's refusal is a contradiction of the permitted development rights which allow homeowners to extend upwards. However, to suggest as such implies that such development should be automatically approved in all circumstances. The conditions at Class AA.2 of the GPDO specifically require the prior approval of matters including those considered under the main issues. Accordingly, I have assessed the proposal on its own merits and have identified harm under the first main issue having regard to its site-specific context.

### **Conclusion**

16. I have concluded that the proposal would have an unacceptable impact on the external appearance of the dwellinghouse having regard to the significant harm that would result to the character and appearance of the area. As the proposal would not comply with AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO, prior approval cannot be given for the proposal, and the appeal is therefore dismissed.

*M Russell*

INSPECTOR