



Appeal Decision

Site visit made on 12 May 2022

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 26TH May 2022

Appeal Ref: APP/Y2430/D/22/3295311

51B Thorpe Road, Melton Mowbray, Leicestershire LE13 1SE

- 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 and Mrs P Gartshore against the decision of Melton Borough Council.
 - The application Ref 21/00421/FULHH, dated 7 April 2021, was refused by notice dated 9 February 2022.
 - The development proposed is the replacement of the flat roof with a pitched roof.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the flat roof with a pitched roof at 51B Thorpe Road, Melton Mowbray, Leicestershire LE13 1SE in accordance with the terms of the application, Ref 21/00421/FULHH, dated 7 April 2021, 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 plan: A2-31-03-2021 Rev 1
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposed development on the living conditions of the occupiers of 38, 40 and 42 Kings Road with regard to outlook, levels of natural light and privacy.

Reasons

Character and appearance

3. Thorpe Road is characterised by closely spaced, two storey terraced and semi-detached houses set either on the back edge of the pavement or behind shallow front gardens. Dwellings have dual pitched roofs covered either in slate or concrete tiles.

4. 51 Thorpe Road is a detached house with a driveway to the side and a series of additions (Nos 51a and 51b) to its rear. No 51b is the rearmost back addition and is as wide as the combined width of the house at No 51 and its driveway. Owing to its setback from the road and single storey height, it is subservient to No 51 and the houses that line the road. As a result, it is not readily apparent within the street scene.
5. The proposal would replace the flat roof with a dual pitched roof with a gentle gradient. Less steep than the roof serving No 51 and the houses along Thorpe Road, the roof would be in keeping with the subservient appearance of the building in views from the street. It would also complement the appearance of the rear of other buildings in private views from the back of houses along Kings Road without unduly adding to the scale and bulk of the building. The use of concrete roof tiles to match the tiles on the roofs of No 51 and 51a would result in a harmonious appearance.
6. For the reasons given above, I therefore conclude that the proposed development would complement the character and appearance of the area in compliance with policy D1 of the Melton Borough Local Plan ('Local Plan'). This policy, amongst other matters, requires the protection of the character and appearance of a locality through high quality design that respects local design features.

Living conditions

7. The blank rear elevation of the building proposed to be re-roofed sits on the rear boundary of the back gardens to 38, 40 and 42 Kings Road. The elevated height of the appeal site accentuates the height of the rear wall of the building and the proposed roof would increase the overall height of the building by approximately 0.9m. However, as the roof would gently rise in height away from the rear elevation towards the centre of the building, this would not result in an increase in the scale and mass of the building to the extent that it would be overbearing.
8. The proposed shallow, mono-pitched roof to the attached conservatory would only be marginally steeper than the one it would replace. As a result, this aspect of the proposed development does not alter my assessment of the overall effect of the proposal with regard to outlook.
9. Similarly, in relation to levels of natural light, the proposed gently pitched roof would not reduce the extent of sunlight or daylight within the rear gardens and houses of Nos 38 to 42 to the extent that material harm would be caused to living conditions.
10. In relation to privacy, whilst two rooflights are proposed within the rear roof slope their high height means that no overlooking of the houses at Nos 38 to 40 would occur.
11. A previous proposal for a dual pitched roof on the building was dismissed on appeal due to the harm that it would cause to outlook at No 40¹. However, the roof ridge height in that proposal at 5.6m was considerably taller than the height of 3.9m proposed in the scheme that is the subject of the current appeal. As a result, this appeal decision has not altered my findings in relation to this issue.
12. Taking all these matters into account, I therefore conclude that if the proposed development went ahead acceptable living conditions would continue to be enjoyed by the occupiers of Nos 38, 40 and 42. The proposed development therefore

¹ Ref: APP/Y2430/A/13/2201011

complies with policy D1 of the Local Plan which, amongst other matters, seeks to prevent harm in this regard.

Other Matters

13. Construction generates noise. However, with the statutory powers that the Council has in relation to construction and noise nuisance, if work occurs at unsocial hours it will be able to act to stop it.
14. Concerns regarding the appellant's future intentions in relation to further development have been raised. However, this would be a matter for the Council in the first instance. As a result, this is an issue that is not a consideration of material weight against the proposal.
15. In relation to the drainage of rainwater running off the roof, this matter is controlled by Building Regulations which apply to new roof constructions.

Conclusion

16. For the reasons given above, I have found that the proposal would comply with the development plan and there are no other considerations which outweigh this finding. The appeal should therefore be allowed.
17. For the avoidance of doubt, and in the interests of proper planning, development needs to be carried out in accordance with the approved plans. To harmonise with the building and neighbouring buildings, the external materials used need to be complementary in appearance. I have required these matters by condition.

Ian Radcliffe

INSPECTOR