



Appeal Decision

Site visit made on 25 April 2022

by C Megginson BA (hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/T2405/W/21/3288878

49 Fairefield Crescent, Glenfield LE3 8EJ

- 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 Mrs J Cudbill against the decision of Blaby District Council.
 - The application Ref 21/0440/FUL, dated 22 March 2021, was refused by notice dated 2 November 2021.
 - The development proposed is described as an “extension and alteration to existing dwelling and erection of additional dwelling; partial demolition of existing dwelling and outbuilding; associated access and landscape alterations.”
-

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on:
 - The character and appearance of the area; and
 - the living conditions of the occupiers of the neighbouring properties at 49 and 51 Fairefield Crescent and the proposed new dwelling, with particular regard to privacy.

Reasons

Character and appearance

3. Fairefield Crescent is a long road, featuring large, detached dwellings, many of which have been extended. Dwellings sit on individual plots, set back from the road with gardens and parking to the front and sides. An abundance of hedgerows, trees and planting gives the crescent a verdant feel. The character of the area comes from the large variety of building types, styles and materials and the presence that each individual property has on regular, wide and spacious plots. Whilst plots do vary in width and depth, with some narrower plots at either end of the crescent, these plots retain a regular, consistent pattern of development and do not appear cramped or squeezed into their surroundings.
4. The curtilage of the appeal property is wide and is similar to the plot frontage of the dwelling opposite. This creates an open spacious feel to this part of the street scene. The appeal proposal would include the demolition of the existing garage and single storey link to create space to construct a two-storey detached dwelling between No 49 and the boundary with No 51.

5. The proposed dwelling and proposed single storey extension to No 49 would result in the full width of the plot being developed. Whilst other properties in the street fill the width of their plot, often including two storeys up to the boundaries, this is in the context of single large dwellings on wide plots. By contrast, the appeal proposal would squeeze the proposed dwelling into a noticeably narrower plot which would appear crowded and would be at odds with the pattern of development in the area. Whilst the retention of foreground vegetation would soften the overall appearance of the site, this would not mitigate the harm identified.
6. The proposed dwelling would appear to largely match the materials and design style of No 49, albeit on a smaller scale, with hipped gables and a tall narrow chimney. In addition, the appellant has also noted the similar design elements to No 51. Whilst I appreciate there would be some points of difference, these are not significant, and the similarity of design along the row of three dwellings would not reflect the mixed character of the area.
7. It may well be that other apparently similar developments have been permitted in the area, in particular at 5 Fairefield Crescent. However, they differ from the appeal proposal because of their plot widths relative to their contexts. Moreover, given the distance from the appeal site, they have not resulted in a change to the immediate characteristics of the area that I have identified, so would not result in this proposal appearing compatible.
8. The appeal scheme would therefore result in an incongruous form of development that would unacceptably harm the character and appearance of the area. As such, it would conflict with Policy DM1 of the Blaby District Council Local Plan (Delivery) Development Plan Document (2019) and Policy CS2 of the Blaby District Core Strategy (2013) which require new development to respect the character and appearance of the area.
9. The proposal would also be contrary to the National Planning Policy Framework (The Framework), which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Living conditions

10. The appeal proposal would include the addition of a first-floor roof terrace off the master bedroom of No 49. Whilst part of the rear garden of the proposed dwelling would be obscured by trees, the rear extension and boundary fence, users of the roof terrace would overlook the remainder of the garden. I appreciate that the terrace is set in from the boundaries and that it is intended to provide a quiet amenity space. Nevertheless, I consider that the use of a balcony or roof terrace is different to that of a window, in that users would sit at a balcony or roof terrace for longer periods of time and therefore the loss of privacy to neighbouring gardens would be more intrusive than that from a window where someone may stand for shorter periods.
11. In addition, the proposed dwelling would include full length bi-fold opening doors and a Juliet balcony within the rear dormer. Whilst this would afford a view over its own garden, it would also overlook the gardens of both No 49 and No 51. I appreciate that the Juliet balcony does not project further than the front plane of the dormer window, however, the elevated position of the balcony at loft level, along with the ability to open the full length, quadruple

width bi-fold doors would allow uninterrupted views into the neighbouring gardens and result in an unacceptable loss of privacy.

12. I therefore conclude that the proposal would have an adverse effect on the living conditions of the occupiers of 49 and 51 Fairefield Crescent and the proposed new dwelling, with particular regard to privacy. This would be contrary to policy DM1 of the Blaby District Council Local Plan (Delivery) Development Plan Document (2019), Policy CS2 of the Blaby District Core Strategy (2013) and the Framework which, in summary, require new development to protect the amenity of existing residents.
13. I note that the appellant states that dormer windows and Juliet balconies fall under permitted development rights and should be taken into account when considering the appeal proposal. It may well be that some Juliet balconies and dormer windows can be constructed under permitted development rights and others may have been permitted in the locality. However, I have considered this proposal on the basis of the proposals detailed and the implications arising therefrom. This matter does not, therefore, lead me away from my conclusions on the planning merits of the case before me.

Conclusion

14. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR