
Appeal Decision

Site visit made on 5 August 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12TH August 2022

Appeal Ref: APP/F2415/D/22/3301650

104 Scotland Road, Market Harborough LE16 8AY

- 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 Robert van der Liet against the decision of Harborough District Council.
 - The application Ref 21/02190/FUL, dated 15 December 2021, was refused by notice dated 22 April 2022.
 - The development proposed is described as the erection of a single storey front and rear extension and new detached garden store to front garden.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development given in the above heading is taken from the application form lodged with the Council. However, the proposal was amended before it was determined to omit the new detached garden store. The Council assessed the proposal on that basis and so shall I.
3. At the site visit, I visited the property at 110 Scotland Road and carried out an unaccompanied viewing of the site with the consent of the occupiers of this adjacent dwelling.

Main issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 110 Scotland Road with particular regard to visual impact, light and sense of enclosure.

Reasons

5. The proposal is to enlarge and alter the appeal property, which is a single storey dwelling within a predominantly residential area, with single storey extensions introduced to the front and at the rear and side of the existing building. The existing garage that is attached at one side of No 104 would be demolished and removed to make way for the new rear addition.
6. The flank wall of the proposed rear extension would be close to and parallel with the side boundary of the site. In this position, it would face towards the back garden of 110 Scotland Road, which is a detached dwelling that stands side-by-side with No 104. In the main rear elevation of No 110, I saw that

there are several ground floor windows and two doors that provide direct access from the dwelling to an external patio and the back garden.

7. Views of the proposal from the main ground floor rear windows of No 110 nearest to the site, which serve a bedroom, would be partly obstructed by a small rear projection of this dwelling, which is in use as a workshop. It would, however, be evident from other ground floor rear windows of No 110 further away from the shared boundary with the site, including those that serve a kitchen, within which occupiers can be expected to spend a reasonable amount of time. The new sidewall and roof slope of the proposed rear extension would also be clearly visible at close range from the rear outdoor space nearest to the main dwelling. It is this outside area that is likely to be most used by the occupiers of No 110 for activities such as sitting out and drying clothes.
8. Although modest in height, the proposed rear extension would still project noticeably above the fence that marks the shared boundary between Nos 104 and 110. It would also be considerable in depth, extending well beyond the main rear elevation of No 110. Given its rearward projection, height and proximity to the boundary, the proposal would overbear on the occupiers of No 110, most notably from the patio and garden closest to the dwelling.
9. There would also be a loss of sunlight to the rear of this adjacent property due to the presence of the new built form just to the southwest. The effect of overshadowing would accentuate the visual impact of the new development later in the day particularly during the winter months when the sun is lower in the sky. The new flank wall and the roof slope above would also have the effect of partly enclosing the outdoor space just beyond the rear of No 110.
10. Taken together, these factors would mean that the presence of the rear extension would be so imposing as to feel oppressive to the occupiers of No 110. Having carefully viewed the site from the rear of No 110, I have little doubt that the proposal would be unneighbourly, whether or not the current occupiers of No 110 have objected on these particular grounds.
11. On the main issue, I conclude that the proposed rear extension would unacceptably harm the living conditions of the occupiers of No 110. As such, it conflicts with Policy GD8 of the Harborough Local Plan 2011 – 2031 and the Council's Development Management Supplementary Planning Document (SPD), insofar as they aim to safeguard residential amenity. It is also contrary to the National Planning Policy Framework, which states that planning decisions should ensure a high standard of amenity for existing and future users.
12. In reaching this conclusion, I have noted the contrasting views of the main parties regarding the application of the 45-degree guideline, to which the Council's SPD refers. Drawing an imaginary line at this angle from the windows of an adjacent property to establish whether a new extension would breach it is a useful tool, which the SPD acknowledges. However, this guideline has not, in itself, been determinative in this case because local circumstances 'on the ground' have also been considered.
13. The Council raises no objection to the new front extension although interested parties do object to this element of the appeal scheme. From my inspection of the plans, it is unclear whether this part of the proposal is clearly severable to the new rear extension, which is objectionable. On that basis, even if the new front addition were acceptable, I would be unable to issue a split decision that grants planning permission solely for it.

Conclusion

14. The proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR