



Appeal Decision

Site visit made on 2 August 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2022

Appeal Ref: APP/K2420/D/22/3299592

48 Clarence Road, Hinckley, Leicestershire, LE10 1DR

- 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 M Parsons against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/01400/HOU, dated 22 November 2021, was refused by notice dated 21 March 2022.
 - The development proposed is proposed loft conversion (including raised ridge height) to existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on parking provision along Clarence Road; and the effect on the living conditions of the occupants of neighbouring dwellings at numbers 34 and 50 Clarence Road (numbers 34 and 50), with particular regard to outlook and privacy.

Reasons

Vehicle Parking

3. The appeal property is a detached four-bedroom, two-storey dwelling, which is situated in a densely built-up area. House types in the area are mixed in terms of their age, scale and design, but the appeal property stands out because of its modern appearance. In the vicinity of the appeal site, Clarence Road is narrow and there is an obvious pressure on parking space. However, the appeal property has off-street parking in front of the dwelling.
4. The proposal is to extend the property upwards by raising the roof of the dwelling to create a second floor. As part of the development, a dormer would be constructed at the rear, which would overlook the existing rear garden and an area of public open space beyond.
5. The extension would provide bedroom space with an en-suite on the second floor. An existing bedroom on the first floor would contain an internal staircase and is shown on the plans as a dressing room.
6. The Council contends that the enlarged dwelling would increase the demand for parking space on Clarence Road and it would exacerbate existing parking problems. Policy DM18 of the Council's Site Allocations and Development

Management Policies Plan 2016 states that all proposals for new development will be required to provide an appropriate level of parking provision. The Leicestershire Highways Design Guide states that 4 bed houses should have 3 parking spaces. The Council states that the existing property does not currently have sufficient parking, because part of the existing space in front of the dwelling should be used for off-street parking associated with the neighbouring property at number 50.

7. Whilst the floorspace of the dwelling would increase as a result of the proposed extension, the plans show that the number of bedrooms would not increase. Although there is no guarantee that the 'dressing room' would not be used as living/bedroom space, the property would still be modest in terms of its overall size and I have no substantive reasons to conclude that the number of occupants would increase.
8. Accordingly, I do not find against the proposal on the issue of parking provision.

Living Conditions

9. Policy DM10 of the Site Allocations and Development Management Policies Plan relates to the matter of design. Amongst other things, the policy states that development will be permitted provided it would not have a significant adverse effect on the privacy and amenity of nearby residents. The Council considers that the proposal would exacerbate the existing sense of enclosure to the neighbouring properties. It also states that overlooking from the proposed dormer window, with Juliet balcony, would result in a loss of privacy to neighbours when they are in their rear gardens.
10. With regard to the latter concern, I am not persuaded that the threat to privacy would be significantly greater than the existing situation. There is already overlooking from the existing first-floor rear windows and whilst the dormer window would be larger and at a higher level, no outdoor surface is proposed and I see no reason that would lead me to conclude that any further loss of privacy would occur.
11. However, I share the Council's concerns regarding the increased sense of enclosure and the impact on the outlook from the side windows of number 34 and from the rear first floor windows of number 50 in particular. Although much of the existing properties at numbers 34 and 50 are already enclosed by the appeal property, the increased height and bulk that would result from the proposal, coupled with the close proximity of the appeal dwelling to the shared side boundaries, leads me to conclude that the effect on the occupants of the neighbouring dwellings would be unacceptably harmful. This would particularly be the case with number 34.
12. In reaching my decision, I have also taken into account the fact that the existing side windows at number 34 are secondary openings. In addition, I have had regard to the relatively long rear gardens that are enjoyed by numbers 34 and 50 and to the existing spatial relationship between the properties and the existing outlook from these properties. Nevertheless, I still consider that the proposal would have an overbearing and oppressive impact. Consequently, the proposal would conflict with Policy DM10 of the Development Plan.

Conclusion

13. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR