



Appeal Decision

Site visit made on 10 October 2022

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 08 NOVEMBER 2022

Appeal Ref: APP/K2420/D/22/3305188

7 Norwood Close, Hinckley, Leicestershire LE10 1TS

- 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 Mathew Stachurski against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/00459/HOU, dated 12 May 2022, was refused by notice dated 7 July 2022.
 - The development proposed is a first-floor side extension.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Mathew Stachurski against Hinckley and Bosworth Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. The description of development was amended by the Council in agreement with the appellant. Therefore, the development description in the banner heading above reflects the revised wording as set out on the appeal form.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises a two-storey detached dwelling with attached single storey garage that has been converted to living accommodation, located in a residential area. The dwelling sits between two other detached dwellings, forming a short row at the end of a cul-de-sac. There is general consistency in the design of the dwellings and, like many other properties along the street, there is a gap at first floor level between the appeal site and the neighbouring property.
6. Guidance set out in the Good Design Guide Supplementary Planning Document 2020 (SPD) in relation to two storey side extensions, states that, proposals should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5m in both

directions) unless this in itself would create an imbalance in the overall design of the property.

7. There is an existing single storey projection to the front elevation that would be maintained as part of the proposed development and the proposed extension would be set back from this element of the existing dwelling. However, the proposed extension would be flush with the front wall and roof of the existing two storey element of the dwelling where it would attach to the side elevation and therefore the proposal would conflict with the guidance set out in the SPD.
8. The SPD does not form part of the development plan and is only guidance designed to help implement the Council's development plan policies. However, the SPD does carry weight as a material consideration in decision making. The guidance set out in the SPD should not be applied prescriptively to the exclusion of all other factors, including the individual physical circumstances of the appeal site and the surrounding context.
9. Whilst the use of matching materials and fenestration detailing would help to incorporate the extension and the width of the proposed extension is limited, the proposal would not appear subservient and the resultant gap between the extended dwelling and 6 Norwood Close would provide insufficient visual relief to protect their separate identities. This would lead to a terracing effect, resulting in harm to the character and appearance of the area.
10. 8 Norwood Close located adjacent, to the right of the appeal site when viewing from the road, has been extended at two storey level. However, this differs to the appeal proposal, given the extension is to the other side of the dwelling at the end of the row of properties, with the gap at first floor level above the garage between No 8 and No 7 being retained.
11. There have been extensions carried out to other dwellings within the surrounding area. Amongst others, the appellant has raised 18 Norwood Close in particular, which has a first-floor flush extension in situ. This particular form of extension, whilst I accept it is present in the street scene, does not form part of the prevailing character of the area, with a significant majority of dwellings retaining the original separation and spacing at first floor level. In any case, the other examples identified are detached from the appeal site, such that they have no discernible influence on the character of this part of the cul-de-sac, where each of the three detached dwellings appear distinctly separate.
12. Reference has been made by the appellant to the side-to-side distance set out in the SPD which encourages, in the design of extensions, the retention of a 1m gap from boundaries with neighbouring properties. Whilst the proposed extension would be set off from the boundary at first floor level in line with the existing ground floor-built form, this section of the SPD relates to single storey developments and is not therefore relevant to the proposed first floor extension.
13. I also note the appellant's assertion that the development would benefit from permitted development rights if it was sited further away from the neighbouring property. There is no suggestion from the appellant that such a scheme would represent a realistic alternative fall-back position, nor have plans been advanced showing details of an alternative as part of this appeal. Therefore, I attribute only limited weight to this consideration, which is based

on the scale, mass and proximity of the development in relation to the neighbouring property.

14. I conclude that the proposed development would be harmful to the character and appearance of the area. This is contrary to the requirements of policy DM10 of the Site Allocations and Development Management Policies Development Plan Document 2006-2026 (July 2016), which seeks amongst other things to ensure that new development proposals complement or enhance the character of the area. There would also be conflict with the SPD which seeks to ensure that side extensions to existing dwellings are subordinate in their scale and massing. In addition, there would also be failure to adhere to the overarching design themes found within the National Planning Policy Framework (the Framework) insofar as they relate to achieving well designed places and in particular paragraph 134 which requires supplementary planning documents such as design guides and codes to be taken into account.

Other Matters

15. The design and siting of the proposed development would not be detrimental to the living conditions of any neighbours and sufficient private garden space would be retained for the occupiers of the appeal property. But a lack of harm in this regard does not weigh in favour of the proposal.

Conclusion

16. The proposal is contrary to the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh the harm. The appeal is therefore dismissed.

G Dring

INSPECTOR