
Appeal Decision

Site visit made on 7 February 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2023

Appeal Ref: APP/P3040/D/22/3308976

Bella View, Station Road, Upper Broughton, Leicestershire, LE14 3BQ

- 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 David Smith against the decision of Rushcliffe Borough Council.
 - The application Ref 22/01562/FUL, dated 18 July 2022, was refused by notice dated 29 September 2022.
 - The development proposed is to raise part of the roof by 1m to provide first floor accommodation.
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Decision

1. The appeal is allowed and planning permission is granted to raise part of the roof by 1m to provide first floor accommodation at Bella View, Station Road, Upper Broughton, Leicestershire, LE14 3BQ in accordance with the terms of the application, Ref 22/01562/FUL, dated 18 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, BV/IH/01, BV/IH/02, BV/IH/03 rev. A, BV/IH/04 rev. A, BV/IH/05, BV/IH/06, BV/IH/07 and BV/IH/08 .
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. There is one main issue which is the effect of the proposed extension on the living conditions of occupiers of the dwelling with respect to parking provision and private garden amenity space.

Reasons

3. The appeal dwelling is located in a backland setting, behind other dwellings on Station Road, within the Upper Broughton Conservation Area (CA) and
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overlooking open countryside. It comprises a main building which has ground floor accommodation and restricted height accommodation at first floor which, at the time of my site visit, was furnished as a bedroom. The building has been extended to the side at single storey to create an additional bedroom. Planning permission exists, but has not been implemented, for a single storey front extension to connect the existing building to a store building, creating a new kitchen and providing direct access to the store building.

4. The appeal proposal comprises raising the wall and roof of the main building by about 1m to create sufficient headroom at first floor to provide a bedroom and en-suite that would be more functional and would comply with Building Regulations. The Council does not object to the extension in itself or consider that it would have any effect on the CA, and I agree it would be acceptable. However, objection is raised regarding a lack of parking and private amenity space to serve the enlarged dwelling.
5. At present there is ample parking and turning space for several vehicles. If the front extension was implemented this would be reduced but sufficient space would remain for the parking of several vehicles. Turning would also be possible, albeit some additional manoeuvring would be necessary. This reduction in parking may occur regardless of the outcome of this appeal. I have therefore considered whether the additional living space provided by the appeal proposal would result in the potentially reduced parking and turning space being inadequate.
6. The dwelling currently has two bedrooms; one in the single storey extension and a larger but less convenient one at first floor. The appeal proposal would convert just over half of the first floor to a bedroom with the remainder becoming an en-suite. In practical terms the dwelling would thus still have two bedrooms. Moreover, I have no reason to believe that if the appeal was dismissed, the first floor would cease being used as a bedroom.
7. Therefore, if the Council found the potentially reduced parking and turning area to be adequate to serve the dwelling as permitted to be enlarged, it appears to me that it must remain adequate if the functionality of the first floor accommodation was to be improved in terms of headroom since no extra bedroom space would be created and, arguably, if part was used as an en-suite, there would be a reduction.
8. Turning to private garden and amenity space, the dwelling has limited but pleasant, south-facing outside space that overlooks open countryside, is close to the dwelling and sufficient comfortably to accommodate garden furniture and allow for sitting or eating outside. In addition, there is a further space beyond the bedroom extension which, whilst small, could be developed as additional private garden space. Moreover, there would remain space on the driveway, even if the front extension was built, to accommodate refuse bins. Finally, the driveway could be used to provide some informal play space.
9. The Council refers to standards in its Residential Design Guide, Supplementary Planning Document (SPD), 2009, which suggests that detached properties should have 110 sqm of garden space. However, it also notes that for one and two bedroom properties this can be reduced to 55 sqm. Moreover, these figures are flexible and, in particular, where two or more of a range of criteria are met,

smaller gardens may be allowed. In the case of the appeal dwelling three of the criteria apply in that the dwelling is in close proximity to accessible countryside, there are views of landscaped open space (open countryside) from within the dwelling and at least 50% of the garden space offers total privacy and is orientated to the south and thus receives sunlight throughout the day. I therefore consider that the garden and amenity space available would continue to be sufficient to serve the dwelling even if both the extant permission and the appeal scheme were implemented.

10. The Council suggests that the floor area of the dwelling, if enlarged through the forward extension and the roof extension, would be sufficient to accommodate a four bedroom property. However, there is no indication from the plans or other evidence of any intention to create additional bedrooms. In my view the proposal must therefore be judged on the basis of the dwelling as it is proposed to be and not on the basis of what a hypothetical re-arrangement of the space could create.
11. It is concluded on the main issue that the proposed extension would have no materially harmful effect on the living conditions of occupiers of the dwelling with respect to parking provision or private garden amenity space. In consequence, there would be no conflict with Policy 10 of the Local Plan Part 1: Rushcliffe Core Strategy, 2014, Policy 1 of the Local Plan Part 2: Land and Planning Policies, 2014, or with the National Planning Policy Framework. Taken together, these expect development to create places with a high standard of amenity for existing and future users such that there is no harmful impact on the amenity of occupiers and, in particular, sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space.
12. Third parties have raised additional concerns regarding inaccurate plans, conflict with the Neighbourhood Plan, overshadowing and loss of light, car parking on Station Road, overlooking and the use of the shared drive by construction workers. However, I am satisfied that none of these matters would result in material harm or amount to a reason to dismiss the appeal.
13. In addition to the statutory commencement condition, the Council suggests three other conditions. I agree that the development should be carried out in matching materials and in accordance with the approved plans, in order to protect the character and appearance of the host dwelling and the surrounding area and for the avoidance of doubt. However, if matching materials are used then I do not consider a further condition, requiring details of materials to be submitted to and approved by the local authority, to be necessary.
14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR