



Appeal Decision

Site visit made on 9 February 2023

by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/F2415/D/22/3306784

2 The Fieldway, Broughton Astley, Leicestershire LE9 6SX

- 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 B Gant against the decision of Harborough District Council.
 - The application Ref 22/01205/FUL, dated 14 June 2022, was refused by notice dated 9 August 2022.
 - The development proposed is a first floor front extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor front extension at 2 The Fieldway, Leicestershire LE9 6SX in accordance with the terms of the application, Ref 22/01205/FUL, dated 14 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule Site Location Plan and the existing and proposed plan (PA-2022-14).
 - 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.
 - 4) The first floor window on the side elevation of the existing dwelling (shown on the proposed plan) shall be obscurely glazed and be of a fixed design unless the parts of the windows which can be opened are more than 1.7 metres above the internal finished floor level of the extension. The window shall not be replaced with an alternative design, or clear glazing, without the prior permission of the local planning authority.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 17 Stiles Close with particular regard to outlook; loss of light and overshadowing.

Reasons

3. The appeal site is located in a residential area which comprises of a mix of two-storey and single storey properties. The appeal property itself is a two-storey gabled roof dwelling with a single storey front projection which forms an entrance hallway, downstairs toilet and a double garage. The properties immediately to the north of the site are bungalows. The appeal proposal is for a

modest first floor extension with a pitched roof which would be partially over the existing porch and downstairs toilet and would also create a covered area in front of the existing front door to the property.

4. The extension would be sited around 11 metres from the conservatory/garden room at 17 Stiles Close and would have a ridge line lower than the main roof of the appeal dwelling. From the Council officers report the proposed ridge line would be 5.9 metres high.
5. Given the limited forward projection of the proposed extension, and its position in relation to the rear of No. 17, the extension would not have an overbearing impact on the occupiers of No. 17 when they utilise either their conservatory or the rear garden area. This is particularly the case as it would be set in further off the common boundary than the existing house and would have a lower ridge height.
6. Turning to the potential impact on light and overshadowing, very little evidence has been presented by either party to justify their respective positions. However, as I observed on my site visit, the appeal property is broadly south of No.17 and therefore there is some potential for sunlight blockage. However, this would be limited to a short period of time around lunchtime given its juxtaposition in relation to the position of the sun between sunrise and sunset. In terms of any impact on daylight, this would also be minimal given the size of the extension and the distances involved. Taking all of this into account, the proposal would not have any significant impact on the availability of light nor would it result in an unacceptable level of overshadowing.
7. In coming to the above views, I acknowledge that the Council's Development Management Supplementary Planning Document (2021) advocates a distance of 14 metres between habitable room windows and flank elevations. However, the existing relationship between the main part of the appeal dwelling is already below that standard and the appeal proposal is set further away and has a lower ridge height. To my mind these factors, together with my views above, weigh in favour of the proposal despite the guidance contained in the SPD.
8. For the above reasons the proposal would not harm the living conditions of the occupiers of 17 Stiles Close and would accord with Policy GD8 of the Harborough Local Plan 2011-2031 (2019) and Policy SD1 of the Broughton Astley Neighbourhood Plan 2013-2028 which, amongst other matters, sets out that development will be permitted where it minimises the impact on the amenity of existing residents and that sustainable development is supported where it accords with policies in the Neighbourhood Plan. It would also accord with the overarching aims and objectives of the National Planning Policy Framework.

Conditions

9. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

10. In addition to the above, the Council have suggested a condition relating to the use of obscure glazing and restricted opening to the side window at first floor level. It is suggested that this window may not need express planning permission by virtue of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). However, in order to benefit from the provisions of the GPDO, the window must be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room it serves.
11. As this window is shown on the proposed plans it forms part of the planning application, and to avoid any confusion, I have imposed a planning condition to reflect the same provisions of the restrictions in the GPDO.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR