



Appeal Decision

Site visit made on 29 March 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2023

Appeal Ref: APP/K2420/D/22/3307122

14 The Hawthorns, Markfield, Leicestershire LE67 9SS

- 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 Farn against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/00284/HOU, dated 17 March 2022, was refused by notice dated 16 August 2022.
 - The development proposed is first floor and single storey side, front and rear extensions and other alterations.
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Decision

1. The appeal is allowed and planning permission is granted for first floor and single storey side, front and rear extensions and other alterations at 14 The Hawthorns, Markfield, Leicestershire LE67 9SS in accordance with the terms of the application, Ref 22/00284/HOU, dated 17 March 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 following approved plans:

Drawing No. 6404/JCF/11A – Floor Plans to Proposed Alterations & Extensions (Revised Scheme 2)

Drawing No. 6404/JCF/12A - Elevations to Proposed Alterations & Extensions (Revised Scheme 2)
 - 3) The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing dwelling and be in accordance with the details contained within the approved plans and the submitted Planning Application form.
 - 4) The extensions hereby permitted shall not be occupied until the first-floor rear elevation window serving the proposed en-suite bathroom has been fitted with obscure glazing to a minimum of level 3 of the Pilkington scale, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the window shall be retained as such thereafter.

Preliminary Matters

2. In the banner heading and formal decision above, I have referred to the description of the proposed development contained within the appeal form, the

Appellant's statement and the Council's decision notice. This describes the proposal more precisely than that contained within the application form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook, privacy and light.

Reasons

4. The appeal site comprises a detached two storey dwelling and its associated curtilage, located within a residential cul-de-sac. The site shares a boundary with 10 The Hawthorns (No 10) to the north, and 13 The Hawthorns (No 13) to the west. The appeal proposal would extend at first floor to the front and two storeys to the side of the host dwelling. A single storey side extension incorporating a double garage and utility would connect these two elements of the proposal. A single storey extension is also proposed to the rear.
5. No 10 is a bungalow located on a lower land level to the appeal site. I understand the occupier of this property has recently changed. While the new occupier has indicated they also object to the proposal, they have not raised any additional concerns to those raised by the previous occupier, which I have had regard to. The distance between this bungalow and the appeal dwelling varies. At its closest point, a narrow walkway leading from the rear garden separates the blank gable of the bungalow from the shared boundary. This opens into a modest patio area that is enclosed by a tall timber fence running along the boundary with the appeal site. It is overlooked by a utility room, bathroom and bedroom. The bedroom directly faces the shared boundary.
6. The appeal proposal would project towards the shared boundary with No 10. The two-storey element of the side extension is modest in size, with a ridge height lower than that of the main roof, and sits at an angle to the shared boundary. The proposed single storey side extension would run parallel to the blank gable of No 10 at its closest point however would thereafter splay away.
7. I recognise that there is a difference in land levels. However, given the extent to which the proposal splays away from the patio area and windows of No 10, the proposed shallow roof pitch of the ground floor element of the side extension and the existing level of enclosure provided by the boundary fencing, I do not find that this would unacceptably harm the outlook from, or light levels to, this neighbouring property.
8. There would be no windows in the side elevations of the proposed extensions directly overlooking No 10 and only a single utility room door facing its blank gable. There is however a window in the rear elevation at first floor that serves a bathroom. Given its height and proximity to the shared boundary it is necessary that this window be obscurely glazed and feature a restricted opening, to protect the privacy of the occupiers of No 10. Subject to this condition, there would be no undue loss of privacy.
9. No 13 is also a bungalow that is situated on a lower land level to the appeal site. It features no windows or doors in the side elevation facing the shared boundary, however indirect views can be achieved from rear facing windows towards the appeal site. The proposed extensions would project toward No 13,

though would remain set back from this neighbouring dwelling by an appreciable distance.

10. Despite the difference in levels, the relatively modest roof form of the ground floor extension that sits closest, along with the oblique relationship and distance between the two storey elements of the proposal and the rear windows and garden of No 13, would serve to mitigate any adverse loss of outlook or light for occupiers of this property. Given the oblique relationship and distance between windows in the proposed extensions and the rear windows and garden of No 13, there would also be no undue loss of privacy.
11. Concerns have also been raised with respect to the effect of the proposal on the living conditions of the occupiers of 12, 15 and 20 The Hawthorns. While the proposal may be seen in views from some of these neighbouring properties, I am satisfied that each are located at sufficient distance from the proposed extensions and oriented in such a way as to negate any undue harm to their living conditions, with particular regard to outlook, privacy and light.
12. I conclude that the proposal would not unacceptably harm the living conditions of the occupiers of neighbouring properties, with particular regard to outlook, privacy and light. It would therefore accord with Policy DM10 of the Site Allocations and Development Management Policies DPD Adopted July 2016. This policy, among other provisions, seeks to ensure developments do not have a significant adverse effect on the privacy and amenity of nearby residents.

Other Matters

13. While I recognise the appeal site is in an elevated position, the first-floor forward projection is relatively modest in size and sympathetic to the appearance of the host dwelling. Other elements of the proposal are single storey and / or to its side or rear, thereby limiting their prominence in the street scene. The surrounding area comprises a mix of bungalows and two storey dwellings of various forms and sizes and, in this context, I do not find that the design of the proposal would be unduly harmful or out of character. I also note that the design of the proposal and its effect on the character and appearance of the area did not feature in the Council's reason for refusal or the minutes of the relevant planning committee meeting.
14. The proposal includes the provision of additional garage space. This would allow additional vehicles to park within the appeal site, which already features adequate off-street parking. I see no reason this should result in additional roadside parking. Given the modest scale of the development any traffic increase in the street would be negligible, as would any associated air pollution. There is no evidence to indicate the proposal would result in any increase in noise beyond what could reasonably be expected in a domestic setting, and the local authority has powers to control any statutory nuisance.
15. Concerns have been raised regarding the effect on warmth from sunlight to neighbouring properties. I have found that the relationship of the proposed extensions to neighbouring properties is such that there would not be undue loss of light or overshadowing. It follows that there would also be no unacceptable loss of warmth from sunlight. There is no other evidence before me to indicate the proposal would have an adverse effect of this nature.

Conditions

16. In addition to the privacy condition mentioned above and the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. A condition is also required to control the finishing materials of the development, in the interests of the character and appearance of the area.

Conclusion

17. The proposed development would adhere to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR