



Appeal Decision

Site visit made on 23 May 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/F2415/W/22/3310334

Land at rear of 65 Logan Street (32a Clarke Street)

- 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 Nick & Janelle Chapman against the decision of Harborough District Council.
 - The application Ref 22/00236/FUL, dated 6 February 2022, was refused by notice dated 26 May 2022.
 - The development proposed is conversion of existing outbuilding to form a new dwelling - 32a Clarke Street
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the occupiers of neighbouring properties with particular regard to privacy.

Reasons

Character and appearance

3. Clarke Street is a residential street with a mixed variety of housing types, of varying style and age. The outbuilding subject to this appeal is located at the far end of the long garden to the rear of 65 Logan Street (No 65), which is adjacent to Clarke Street. The outbuilding takes up the majority of the plot's width and is roughly level with the neighbouring properties Nos 32 and 34 Clarke Street (No 32 and No 34).
4. Dwellings on Clarke Street are generally mixed; however, the predominant roof design is pitched.
5. The outbuilding is existing and no increase in size is proposed, as such the presence of a building in this location is established. However, the current simple design of the outbuilding differentiates it from dwellings in the area and gives it an appearance of a building associated with another dwelling. Whilst the presence of the building will not change, the installation of windows and doors will alter the appearance of the outbuilding, domesticating its appearance. The proposal would include a flat roof which would be at odds and stand out on the street scene from the prevailing pitched roof designs in the

area and overall the proposed dwelling would stand out as an inharmonious feature on the street scene.

6. The garden for No 65 is larger than others in the area, however gardens in the area are located behind the houses on Logan Street and Clarke Street and as such are not readily visible in the street scene. Furthermore, the garden has been separated by a fence and as such from the views that are available, the garden sizes in the area have a consistent appearance.
7. For these reasons, I conclude that the proposal would harm the character and appearance of the area. The proposal would therefore be contrary to Policy GD8 of the Harborough Local Plan 2011-2031 (2019) (LP) which amongst other things, seeks to ensure development respects the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated as far as possible into the existing built form.
8. The proposal would also be contrary to guidance contained within the Development Management Supplementary Planning Document (2021) (SPD) which seeks to ensure new development creates a sense of place.

Living conditions

9. The outbuilding is situated between No 32 and No 34 and it is proposed to have the front door to the side which would face the side of No 34. No 34 has a door to the side of the house which serves the kitchen and will be visible by future occupiers using the front door to enter and exit the proposed dwelling. Furthermore, the side entrance of the proposed dwelling gives access to the rear garden which will mean future occupiers will be walking past, close to No 34. Although a fence is in situ between the No 34 and the proposed dwelling, it is relatively low height and as such would allow views into the garden and side door of No 34, resulting in overlooking and a loss of privacy for the occupiers of No 34.
10. Dwellings on Clarke Street generally have small gaps between them which the proposal would largely mirror. However, other properties have their entrances to the front which differs from the proposal before me.
11. I note that a condition could be imposed to ensure that the ground floor windows and doors serving the proposed dwelling's side elevation would be obscure glazed and non-opening. Whilst this would assist in preventing future occupiers looking out from inside the property it would not reduce the effect of future occupiers and visitors using the side of the property to enter and exit the dwelling and access the garden.
12. The proposed dwelling would be situated very close to No 32 and there is very little gap between the two buildings. One window is proposed on the south elevation which would serve a cloak room/closet. Whilst the use of this room could be frequent in terms of the number of times per day that the room would need to be accessed, the window faces a blank wall to the side of No 32 and subject to a condition that the window is obscure glazed and non-opening, I am satisfied that there would not be a loss of privacy for the occupiers of No 32.
13. The existing building was constructed using permitted development rights and could therefore be used for purposes ancillary to No 65. However, the use as a dwelling would inevitably result in an increase in coming and goings from future occupiers and their visitors. Furthermore, it is likely that access to the

current building would be from the rear garden of No 65 rather than using the front and side entrance as proposed which will be less harmful to the privacy of the occupiers of No 34.

14. Notwithstanding my findings on the living conditions of the occupiers of No 32, I conclude that the proposal would harm the living conditions of the occupiers of No 34 with particular regard to privacy. The proposal would therefore conflict with Policy GD8 of the LP which amongst other things, seeks to ensure development does not have a significant adverse effect on existing residents through loss of privacy.
15. The proposal would also be contrary to guidance contained within the SPD which seeks to ensure development has a harmonious relationship with neighbouring uses.

Other Matters

16. The appellant suggests that a previous planning application was refused on the site for different reasons, which did not include design despite having the same front elevation as the appeal proposal and as such considers the Council inconsistent in its decision making. I note that the front elevation is the same as previously submitted, however the scheme previously refused was an officer decision. The proposal in front of me was overturned by committee, who are entitled to come to their own different view.
17. I have no reason to conclude against the Council's assessment that the proposal would have sufficient separation distance and provide adequate private amenity space. Also, that acceptable parking would be provided, there would be no harm to highway safety and the proposal would not cause harm to the living conditions of the host dwelling by virtue of light, privacy or outlook.
18. I also note that the proposal has been designed to provide adequate light and ensure privacy for future occupiers. Furthermore, the dwelling meets nationally described space standards¹. However, these matters do not outweigh the harm I have identified.

Conclusion

19. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR

¹ Technical housing standards – nationally described space standard, Department for Communities and Local Government March 2015