

Appeal Decision

Site visit made on 12 July 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/X2410/D/23/3318543

31 Leopold Street, Loughborough, LE11 5DL

- 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 Topleys Property Services against the decision of Charnwood Borough Council.
 - The application Ref P/22/1223/2, dated 30 June 2022, was refused by notice 8 December 2022.
 - The development proposed is a single storey extension to side/rear of existing dwelling to provide improved kitchen/dining/lounge.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the living conditions of neighbouring occupiers, with regards to outlook, privacy, sunlight and daylight; and whether it would provide for acceptable living conditions for future occupiers, with regards to outlook, privacy, sunlight and daylight.

Procedural Matter

3. The appeal property is located within the Ashby Road Conservation Area. The Council is satisfied that the proposed development would conserve the character and appearance of the Ashby Road Conservation Area.

Reasons

4. The appeal property is a two storey terraced dwelling located within a long terrace of dwellings in a residential area.
 5. The appeal property is located within the Ashby Road Conservation Area, characterised by the presence of long terraces of redbrick Victorian dwellings, notable for occasionally decorative brickwork and lintel decorations and for the strong sense of uniformity derived from their regular and rhythmic form of development.
 6. Like other dwellings in the same terrace, the front elevation of the appeal property is situated adjacent to the pavement and there is a yard and garden area to the rear, accessed via an archway and passage at ground level.
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7. The rear of the dwelling has a single storey extension which projects from the dwelling's original outrigger. The design of the outrigger and extension are such that they allow for a rear facing ground floor window from a living area and provide a notable gap between the side of the dwelling and the wall denoting the rear boundary with Number 32. This provides for a sense of space.
8. Whilst Number 30 has a glazed extension to the rear, between its outrigger and main rear elevation, this is only small and does not impact significantly on the spacious qualities of the area immediately to the rear of Nos 31 and 32.
9. The proposed development would serve to narrow the existing gap in this location, by extending the appeal property much closer towards its rear boundary with No 32. I find that this would severely erode the space between the two dwellings and would result in an undue sense of enclosure, such that the proposed development would appear overwhelming and dominate the outlook when seen from the rear of No 32.
10. Similarly, the proposal would result in No 32 appearing extremely close to the appeal property when seen across the rear boundary. I find that this would result in an unacceptable impact on future occupiers of No 31 in respect of their outlook being unduly dominated by the immediate presence of No 32.
11. Further to the above, the proposed development would result in the appeal property's kitchen window facing directly towards that of No 32 in extremely close proximity. I find it inevitable that this would result in significant detriment to the privacy of the occupiers of both dwellings.
12. Also, the proposal would result in the loss of a large rear-facing window to a main living area within the appeal property. Whilst any loss of daylight or sunlight arising would be mitigated to some degree by the provision of glazing to the proposed development, there would still be significant harm in respect of the loss of outlook, due to the loss of views to the rear yard and garden from the living area.
13. Whilst the Council, in its Officer's Report and reason for refusal, referred to a loss of sunlight and daylight, there is no substantive evidence before me to demonstrate that this would occur to any harmful degree. Notwithstanding this, I have found that other harms would arise in respect of residential amenity and hence my decision below.
14. Taking all of the above into account, the proposal would harm the living conditions of neighbouring occupiers, with regards to outlook and privacy; and would fail to provide for acceptable living conditions for future occupiers, with regards to outlook and privacy, contrary to the National Planning Policy Framework; to Core Strategy¹ Policy CS2; to Local Plan² Policies EV/1 and H/17; and to the Council's Design Supplementary Planning Document (2020), which together amongst other things, seek to protect residential amenity.

Other Matters

15. In support of the proposal, the appellant refers to approvals for other forms of development in the vicinity. However, despite some similarities, there is nothing

¹ Reference: Charnwood Local Plan 2011 to 2028 Core Strategy (2015).

² Reference: Charnwood Local Plan 1991-2006 (2004).

before me to demonstrate that all of the circumstances relating to each of these other forms of development are so similar to the appeal before me as to provide for direct comparison. Notwithstanding this, I have, in any case, found that the proposed development would result in significant harm and this is not something that is mitigated or outweighed by other developments elsewhere.

Conclusion

16. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR