



Appeal Decision

Site visit made on 11 July 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2023

Appeal Ref: APP/X2410/D/23/3323172

24 Sedgefield Drive, Syston, Leicester LE7 1YU

- 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 Suren Pancholi against the decision of Charnwood Borough Council.
 - The application Ref P/23/0122/2, dated 1 February 2023, was refused by notice dated 29 March 2023.
 - The development proposed is a single storey front, side and rear extension and to raise the roof to create another storey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The declaration on the application form was not dated. However, both parties have confirmed that the application was submitted on 1 February 2023.
3. The description of development in the banner heading above is taken from the revised planning application form submitted with the Council's evidence. The amended description leaves out wording that is unnecessary to describe the development which is the subject of this appeal. I have therefore used the amended description of development in assessing the proposal.
4. From the evidence before me there is no dispute between the main parties as to the acceptability of the single storey rear extension or the single storey front extension. I shall therefore confine my detailed considerations to the proposed upward extension, to raise the roof and create another storey, and the single storey side extension.
5. Since receipt of the appeal submission the Council has issued a note advising of an error within the officer report relating to the numbering of the neighbouring properties. The officer report refers to 26 Sedgefield Drive being affected by the proposal whereas the Council now advise that this should have read 22 Sedgefield Drive.
6. The appellant has been made aware of the Council's note and confirmed that it does not alter their appeal submission. Moreover, it is clear from the description within the officer report that the wrong house number was referred to in that 26 Sedgefield Drive is the adjoining property and 22 Sedgefield Drive is separated by its own parking area, and that of the host dwelling. This was a drafting error on the part of the Council; however, I do not consider that any parties have been prejudiced by this change.

7. The Council, in their evidence, refer to the emerging Draft Charnwood Local Plan, 2021-2037 (the Draft LP). Since the submission of the appeal the Council has advised that the Examination has concluded and are due to carry out further consultation prior to the receipt of the Inspector's main modifications. I, therefore, cannot be certain when the plan is likely to be adopted, if any policies are to be modified, or if there are any unresolved objections. Moreover, neither of the main parties rely on any emerging policies within their submissions, nor did the Council refer to any emerging policies in their reasons for refusal. Therefore, I attach limited weight to these emerging policies.

Main Issues

8. The main issues are the effect of the development on:
- The character and appearance of the area; and
 - The living conditions of the occupants of 22 Sedgefield Drive (No. 22), with particular regard to daylight and outlook.

Reasons

Character and appearance

9. The appeal property is one of a pair of semi-detached dwellings within a residential estate. The design and scale of the houses on the estate and the open green frontages creates a pleasant character to the area. The houses are all pitched roofed and the general uniformity of the roofscape makes a positive contribution to the character. There is no substantive evidence before me of any other upwards extensions or dormer additions to roofs. Other dormers in the area are part of the design of two storey dwellings and do not interrupt the general uniformity of the roofscape.
10. The proposed raising of the roof to create an additional storey would extend the appeal property significantly above the height of the existing roof. The additional height would be noticeably unsymmetrical and unbalanced with the adjoining dwelling, 26 Sedgefield Drive. The additional height would be incongruous and prominent in the street scene, projecting above the general roofscape and results in a top-heavy appearance to the appeal property that would also dominate the existing dwelling. This would, therefore, result in harm to the appearance of the pair of houses and the character of the area.
11. The two rear dormers are offset from the line of the windows on the first floor of the appeal property and, therefore, do not respect the design or proportions of the appeal property. However, these dormers are to the rear and not visually intrusive in the street scene.
12. The front dormer, albeit pitched roof and set down from the ridge and in from the sides, would be positioned centrally above the two windows at first floor. The window within the dormer would also be wider than the first-floor windows of the appeal property and of a similar scale to the ground floor window. As a result of the position, scale, and design of the front dormer it would be an overly dominant feature which would not respect or enhance the design of the appeal property.
13. The front dormer would also introduce a new alien design feature, along with the increase in the roof height, which is not prevalent in the existing estate and

would be out of keeping with the appearance of the existing housing. This would have an adverse effect on the character and appearance of the area.

14. For the above reasons, I find that the proposal to raise the roof to create another storey and the addition of a dormer to the front has an adverse effect on the character and appearance of the area. It would, therefore, be contrary to Policy CS2 of the Charnwood Local Plan Core Strategy, 2015 (CS) and Policies EV/1 and H/17 of the Borough of Charnwood Local Plan Written Statement, 2004 (the saved policies) which, taken together promote high quality designs which respond positively to context, respect, enhance and are compatible with the existing dwelling and the character of the area, having regard to scale, massing, height and neighbouring buildings and seeks to ensure development provides positive and attractive built frontages which are not intrusive or incongruous.
15. I also find that it would be contrary to the guidance in the Charnwood Design Supplementary Planning Document, 2020 (the Design SPD) which requires extensions to dwellings to respect the basic shape, proportions and size of the existing property, ensure that the main property is still the dominant building with eaves lines lower than the existing house and advises that dormers should be as small as possible with window styles to match the existing property.
16. The proposal would also conflict with DS5 of the Draft LP, which requires development to make a positive contribution to Charnwood, respond to, respect, and enhance, the local area and character, having regard to such matters as scale, density, massing, and height. As such this policy does not materially change the approach of the adopted development plan insofar as it relates to this main issue.
17. Furthermore, the proposed development would not accord with the general aims for good design and high-quality places as set out in paragraphs 126 and 130 of the National Planning Policy Framework (the Framework). Furthermore, paragraph 134 of the Framework advises that development that is not well designed should be refused.

Living conditions

18. 22 Sedgefield Drive (No. 22) has one window at ground floor and one window at first floor in the side elevation facing towards the appeal property. From the evidence before me the ground floor window is the only window serving the kitchen. No. 22 is also on slightly lower ground.
19. The Design SPD provides advice on new development and on extending existing dwellings. For house extensions the SPD advises that the 25-degree guideline line should be used when an existing window directly faces an extension, such as in this appeal.
20. The SPD also advises that where ground floor habitable room windows would face a windowless single-storey flank wall a minimum separation distance of 9.5m should be provided. Though the SPD acknowledges that single storey extensions with hipped roofs can be sited closer the separation distance would be significantly below the guidance in the SPD.
21. Due to the proximity and depth, the single-storey extension would adversely affect the only window to the kitchen of No. 22. The proposed extension would bring the appeal property close to the boundary. Moreover, the proposed side

extension would be the full depth of the property, including the proposed front and rear extensions, which would, therefore, extend beyond the front and rear elevation of both the appeal property and No. 22. The proximity and scale of the extension, albeit single storey with a hipped roof, would substantially reduce the level of daylight available to this window and leave the habitable kitchen with limited light. This, therefore, would result in harm to the living conditions of the occupants of No. 22.

22. Furthermore, the depth and mass of the extension would result in the outlook from the window for No. 22 being a, predominately, blank brick wall. Although the views out of this window are already restricted by the appellant's existing dwelling there would currently be views over the fence and beyond the rear elevation of the existing dwelling. Due to the scale and depth of the extension the view out of this window would be substantially restricted. The reduction in the gap between the two dwellings would lead to an unacceptable level of overbearing effect which would result in harm to the living conditions of the occupants of No. 22, contrary to the advice within the SPD.
23. For the above reasons I find that the scale and depth of the single storey side extension would have a harmful effect on the living conditions of the occupants of No. 22, with particular regard to daylight and outlook. This, therefore, would be contrary to the requirements of Policies CS2 of the CS and Policies EV/1 and H/17 of the saved policies which, taken together, seek to protect the living conditions of people who live nearby, particularly having regard to dominance of extensions and loss of light.
24. I also find that it would be contrary to the guidance in the SPD which seeks to ensure the relationship between neighbouring buildings and land uses is compatible and harmonious, seeks to ensure appropriate standards of daylight and sunlight and that extensions are not over dominant to neighbouring properties.
25. The proposal would also be contrary to the requirements of the National Planning Policy Framework (the Framework), specifically paragraph 130 which seeks to ensure a high standard amenity for existing and future users.
26. For the same reasons the proposal would also conflict with DS5 of the Draft LP which, amongst other matters, seeks to protect the living conditions of neighbouring properties and, in this regard, the policy does not materially change the approach of the adopted development plan insofar as it relates to this main issue.

Other Matters

27. The appellant has sought to argue that the additional floor, extending upwards, and the single storey extension to the side could be erected as permitted development. However, whether the extensions, including the upward extension, would be permitted development is not before me and this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990.
28. Permitted development alterations do not need to comply with adopted policy and may include alterations which Councils would not support through the planning application process. For this reason, permitted development

alterations do not set a precedent for consideration of proposals which require assessment against policy.

Conclusion

29. For the reasons given above I have found that, the proposed upwards extension, front dormer and the single-storey side extension are contrary to the development plan, as a whole, and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

K Townsend

INSPECTOR