



Appeal Decision

Site visit made on 20 February 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/X2410/W/23/3326622

7 Granville Street, Loughborough, Leicestershire LE11 3BL

- 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 Tolu Mushing against the decision of Charnwood Borough Council.
 - The application Ref P/23/0725/2, dated 26 April 2023, was refused by notice dated 4 July 2023.
 - The development proposed is a single storey side and rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.
3. The submitted drawings include a rear flat roofed dormer, however, it is excluded from the description of development and the Council has not assessed this part of the proposal. I have therefore limited my assessment to the single storey rear extension and have determined the appeal on this basis.
4. The Council's emerging local plan, The Draft Charnwood Local Plan 2021-37 ('the ELP') is at an advanced stage. The document was submitted for examination in December 2021, with the public hearings concluding in February 2023. Policy DS5 of the ELP had no unresolved objections and is consistent with the Framework and therefore, according to paragraph 48 of the Framework, significant weight can be attributed to it.
5. The submitted drawings and documents refer to the existing kitchen/dining room of the host dwelling being served by a window. However, I noted on my site visit that it is actually served by a fully glazed door. I have therefore determined the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposed development on the living conditions of the occupiers of the host dwelling and the occupiers of 5 Granville Street, with particular reference to outlook and light.

Reasons

7. The appeal site comprises a mid-terrace, two-storey dwelling with a two-storey rear projection and a long rear garden. A narrow side return is located between the rear projection and 5 Granville Street. No 5 has a similar two-storey rear projection and side return. A close boarded fence separates the rear gardens of the appeal site and No 5, except for a section closest to the dwellings whereby the fence panels had been removed at the time of my site visit.
8. The proposed single storey extension would reduce the width of the rear side return and would extend beyond the existing two-storey rear projection. It is proposed to erect a 2m high close boarded fence between the appeal site and No 5. The proposed extension would have a shallow pitched roof that would slope away from No 5. However, the eaves of the proposed extension would be visible above the fence and would extend a considerable distance in proximity of the shared boundary.
9. The host dwelling's sole reception room would be served by a full height window that would be narrower than the existing fully glazed door. The outlook from this window and the light into this room would be significantly compromised by the tunnelling effect created by the proposed extension and the proposed boundary fence. A roof light is proposed within the proposed extension that would provide additional light to the reception room. However, its affect is likely to be limited due to its siting on the northern roof slope and towards one end of the room.
10. No 5 has a similar window in its rear elevation that would be in proximity of, and east of, the proposed extension. From the information before me and what I witnessed during my site visit, the window serves a room that would be frequently used by the occupiers of the dwelling. The proposal would create a tunnelling effect to this window and, due to its scale and siting, it would result in an overbearing impact and a sense of enclosure. The appellant asserts that the proposal would not harm light levels to this room. However, this has not been substantiated with evidence. Furthermore, the proposal would adhere to the vertical guideline when measured from this window¹, but it would contravene the horizontal guideline. Consequently, from the information before me, the proposal would harm the light levels to this room.
11. I acknowledge that the proposed fence could be erected without planning permission and could create a tunnelling effect to the existing rear windows in the host dwelling and No 5. However, the proposed extension would diminish the existing gap and would extend a significant distance in proximity to the shared boundary. Consequently, the proposal would exacerbate the effect on these windows even if a close boarded fence of 2m in height was erected.
12. The appellant has directed me to an appeal² to support their case. I agree that there is no right to a view. However, the effect of a proposal on the living conditions of the occupiers of neighbouring properties in respect of outlook and a sense of enclosure are material planning considerations. Furthermore, I have found that the proposal would be unpleasant and oppressive for the reasons outlined above and would make the host dwelling and No 5 unattractive places to live.

¹ As detailed within the Charnwood Design Supplementary Planning Document, adopted 2020

² Appeal Ref: APP/D0515/A/10/2123739

13. The absence of objections from neighbouring properties does not indicate there is no objection to the proposal. Furthermore, I must assess the potential impact of the proposal on all future occupiers of the host dwelling and neighbouring properties, not just those that currently reside in them.
14. I accept that the proposal would provide short-term employment during its construction, and it would provide an additional room in a dwelling located in proximity of services and facilities. While these would attract moderate weight, they would not outweigh the significant harm I have found in respect of the living conditions of the occupiers of the host dwelling and No 5. The lack of objection to the proposal on design grounds is a neutral matter.
15. In reference to the main issue, the proposed development would harm the living conditions of the occupiers of the host dwelling and the occupiers of 5 Granville Street, with particular reference to outlook and light. It would conflict with Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy, adopted 2015, Saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 1991-2006 Written Statement, adopted 2004, and Policy DS5 of the ELP which, amongst other things, seek to protect the amenity of people who live nearby and those who will live in the new development. It would also conflict with the Charnwood Design Supplementary Planning Document, adopted 2020, the Framework and the National Design Guide.

Conclusion

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

A Berry

INSPECTOR