
Appeal Decision

Site visit made on 27 April 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/X2410/D/24/3337432

104 Barrow Road, Quorn, Loughborough LE12 8DL

- 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 Alan Willcocks against the decision of Charnwood Borough Council.
 - The application Ref P/23/1594/2, dated 5 September 2023, was refused by notice dated 3 November 2023.
 - The development proposed is erection of two storey and single storey extension to rear of dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council raises no objection to the single storey rear extension element of the proposed development. There are no reasons to disagree. The main issues in this appeal therefore are the effect of the first-floor extension on the living conditions of the neighbouring occupiers at No 102 Barrow Road (No 102) and its effect on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The flank wall of the proposed two storey extension would be close to the boundary between the appeal property and No 102. Its height and depth so close to the rear of the neighbouring house would in my judgement have an overbearing effect on the occupiers of No 102. This would be the case even if the neighbours' existing conservatory were to be replaced by an extension which has received planning permission. The existing sense of enclosure within the neighbouring garden and patio area would be exacerbated by the proposal, leading to an unacceptably dominant and overbearing effect.
4. Having regard to the orientation of the two neighbouring properties I am not convinced by the evidence that the height and depth of the first-floor element of the proposal would lead to a further loss of daylight and sunlight to the conservatory and adjacent rooms of No 102 which are already poorly lit.
5. The proposed first floor side facing window would be at high level and would not serve a habitable room. There would therefore be no overlooking from it or a resulting loss of privacy. Furthermore, a condition could be imposed to

require the window to be obscurely glazed and fixed shut in perpetuity to address this concern.

6. The neighbouring property at No 106 has been extended at the rear over two-storeys, as have other properties in the row. The first-floor element of the appeal proposal would match the rear building line of No 106. However, I have not been provided with the full details of that proposal, or any others, including any assessment of the relationship between them and their neighbouring properties, nor the planning policy context at the time that consent was granted. But in any event, the appeal proposal should be determined on its own individual merits.
7. Overall, I conclude that the proposed development would harm the living conditions of the occupiers of No 102 in respect of its overbearing effect. Thus, the proposal conflicts with Policy CS2 of the Charnwood Local Plan Core Strategy (2011-2028) (CS), Policies EV/1 and H/17 of the adopted Charnwood Local Plan 2004 (LP), Policy DS5 of the Emerging Charnwood Local Plan 2021-2037 (ELP) and the Council's Design Supplementary Planning Document (SPD), in respect of their requirements to protect neighbouring amenity.
8. Turning to design matters, the scale, massing and overall appearance of the proposed two-storey extension would be sympathetic to the design and materials of the host dwelling and sufficiently subordinate. With regard to its wider context, the proposed extension would be at the rear of the property and would not be visible from the street elevation or from elsewhere in the public realm. There is design variety at the rear of the row of houses where there are extensions of varying heights and styles, including two-storey extensions. Within this context the proposal would not appear out of place.
9. I conclude that the first-floor extension would respect the character of the host property and other development within its context. The proposed development would therefore accord with the design requirements of CS Policy CS2, saved LP Policies EV/1 and H/17), ELP Policy DS5, the SPD, and Policy S2 of the Quorn Neighbourhood Plan. There would be no conflict with the design objectives of the National Planning Policy Framework.
10. I have had regard to all other matters raised, however none outweigh my conclusions set out above. Notwithstanding that the appearance of the proposal is acceptable, the identified harm to the living conditions of the occupiers of No 102 requires that the appeal be dismissed.

Elaine Benson

INSPECTOR