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# Appeal Decision

Site visit made on 14 May 2024

**by U P Han BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 June 2024**

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**Appeal Ref: APP/B3410/D/24/3338584**

**11 Leamington Road, Branston, Staffordshire DE14 3HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Smith against the decision of East Staffordshire Borough Council.
  - The application Ref is P/2023/00344.
  - The development proposed is a new rear single storey extension and creation of new pitched roof design over existing garage / porch areas to side and front of the dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Decision Notice states that the proposed development would conflict with Policy SP24 of the East Staffordshire Local Plan (ESLP) and paragraphs 1.3.76 and 1.3.78 of the East Staffordshire Design Guide Supplementary Planning Document (ESDG SPD). Policy SP24 of the ESLP provides a high-level strategic design policy and requires developers to refer to the Council's Supplementary Planning Document on Design for guidance on design matters. Paragraphs 1.3.76 and 1.3.78 of the ESDG SPD relate to the extension of existing buildings and their effect on the character and appearance of the building and area. As the Council has clearly indicated that the proposal would not adversely affect the character and appearance of the building or area, and it is not a reason for refusal, Policy SP24 of the ESLP and paragraphs 1.3.76 and 1.3.78 of the ESDG SPD are not relevant to this appeal.

## Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 9 Leamington Road regarding outlook.

## Reasons

4. The appeal property is a two-storey detached house with a single storey flat roof extension accommodating a second garage and utility area. The single storey extension is located close up to the boundary with the neighbouring property at 9 Leamington Road (No 9).
5. The proposed development is for a single storey rear extension and creation of a pitched roof over the existing side projections (which accommodate the two existing garages, utility area and kitchen) and the proposed rear extension. A

- pitched roof is also proposed over the porch to the front and would adjoin the proposed pitched roof over the side projections.
6. The appeal site adjoins No 9 to the north, which is a bungalow and significantly set back from the road so that its front elevation is almost in line with the rear elevation of the appeal property. No 9 has two windows on its front elevation, both serving habitable rooms.
  7. The proposed single storey extension to the rear would align with the existing conservatory to the rear in terms of depth. Given its size and siting, this part of the proposed development would not affect the living conditions of neighbouring occupiers.
  8. The development proposed has evolved during the planning application process to remove a north facing gable so that its maximum height would be located away from the boundary to No 9. Nevertheless, due to its bulk, height, proximity, and position in relation to No 9, the additional bulk and height of a pitched roof over the entire length of the single storey extension would diminish the outlook available from the front windows of No 9. This would create an unacceptable sense of enclosure for its occupiers that would be harmful to their living conditions.
  9. The appellant has drawn my attention to examples of similar developments in the surrounding area. However, I note that there are clear material differences between the proposal and the individual circumstances surrounding these examples. These include the shorter length of the extension regarding 21 Fairway, the absence of windows serving habitable rooms close to the adjoining garage relating to 24 Spinney Road, and the shorter length and projection of the buildings in relation to 1 Woodbine and Howards Way. Even so, the existence of similar extensions in the locality would not provide justification for a development that I consider would be harmful to the living conditions of occupiers of No 9. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
  10. I therefore conclude that the proposed development would have a significantly detrimental effect on the living conditions of the occupiers of 9 Leamington Road, regarding outlook. Hence, it would conflict with Policies DP1 and DP3 of the ESLP which require development proposals to have regard to impact on the amenity of occupiers of nearby residential properties in terms of outlook, and to not to have an unacceptably overbearing impact on adjacent dwellings.

### **Other matters**

11. The appellant has submitted evidence in relation to the 45-degree rule to demonstrate that there would be no loss of light to the occupiers of No 9. As the only issue in this appeal relates to outlook, this evidence and the absence of any such harms has therefore not factored into the consideration of this matter.

### **Conclusions**

12. For the reasons given above, the appeal should be dismissed.

*U P Han*

INSPECTOR