



Appeal Decision

Site visit made on 17 June 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/X2410/D/24/3343983

8 Fletchers Way, East Goscote, Leicestershire, LE7 3ZG

- 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 Mrs D Hoy against the decision of Charnwood Borough Council.
 - The application Ref P/23/1081/2, dated 10 July 2023, was refused by notice dated 23 February 2024.
 - The development proposed is the construction of a two-storey side extension; a single-storey front extension to form garage and storm porch; and a new pitched roof to the existing rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed extensions on:
 - The character and appearance of Fletchers Way, and
 - The living conditions of the occupiers of No 6 Fletchers Way by way of outlook.

Reasons

3. No 8 is a detached house situated on the east side of Fletchers Way. The houses here are of a similar original design although many have been subsequently extended. On this side of the road, the houses have forward projecting garages. Nos 6 and 8 Fletchers Way are set further forward on their plots than the houses on either side. The appeal property has a full-width single-storey extension at the rear with a flat roof.
4. The proposed development would involve the replacement of the existing single garage with a larger structure projecting further to the front and side and having a pitched roof. The side extension would be two-storey and built up to the boundary with No 6. It would continue the line of the existing rear extension up to the boundary, and the roof would follow the pitch of the existing main roof, but with a continuation down to the rear elevation of the rear extension to create a cat-slide roof.
5. Policy CS2 of the Council's Local Plan 2011-2028 (LP) indicates that new developments should respect and enhance the character of the area, having regard to scale, density, massing, height, and materials, and should protect the amenity of people who live nearby.

6. Saved Policy H17 of the 2004 version of the version of the Local Plan (LP2004) indicates that planning permission for a residential extension to an existing dwelling will be granted provided the development meets certain criteria, including that it remains compatible in scale, mass, design and use of materials with the original dwelling; it would not appear as an intrusive or incongruous feature in the street-scene to the detriment of visual amenities; and it would not prove detrimental to the amenities of occupiers of nearby properties by reason of dominance, or substantial loss of light;
7. The Council's Design Supplementary Planning Document (SPD) notes that extensions should be designed so that the main property is still the dominant building, and that key amenity factors to be considered include protecting neighbouring occupiers from an overbearing impact.
8. The Council contends that the proposed garage, as a result of its scale, mass and degree of forward projection from the front elevation of the dwelling, would result in an over prominent and incongruous feature in the street scene, and that by virtue of its scale, height and proximity to the south boundary of the site, the extension would result in loss of light and an overbearing impact upon ground-floor windows of the north elevation of No 6 Fletchers Way.
9. The appellant contends that the development should not be stymied by minimal, perceived, impacts upon one ground floor window and that the bulk of the refused extension could be constructed without the need for express planning permission through the utilisation of permitted development rights. In addition, the refused development is very similar to many others in the street and the surrounding area that have been approved by the Council and subsequently constructed.

Character and appearance

10. On the eastern side of the road, all of the houses between Nos 2 and 12 have garages with significant forward projections. Some appear to have been altered to some extent, including Nos 2 and 10 which have pitched or hipped roofs, and No 6, which has a flat roof, but is wider and projects around 1 metre beyond the front elevation of the garage at the appeal property. The garage at No 4 had been demolished at the time of my visit, and there is apparently a planning permission that allows for a somewhat deeper garage and a two-storey front/side extension at the property.
11. In the light of the above, the concept of extending the garage at No 8 would not appear to be in question. However, as proposed, it would be significantly larger than the existing garage and would project approximately 1 metre beyond the front elevation of the garage at No 6, bringing it forward to only around 6 metres from the front boundary. It would become the most prominent of the garages along this part of the road, and this would be accentuated by the additional height that would result from the pitched roof.
12. The houses at Nos 2, 4 and 10 are set considerably further back on their plots than the appeal property, such that they are less prominent in the street scene, and their garages do not project beyond the front elevations of the main houses at Nos 6 and 8. Similarly, the other examples of forward-projecting garages noted by the appellant, on Ploughman's Way and Broome Avenue, are set further back in their plots than neighbouring houses in a staggered fashion, such that the garages do not appear prominent in the overall street scene.

13. In conclusion on this issue, I find that, by virtue of its forward setting on its plot, the appeal property is already a highly prominent feature along this part of the road, where the established character is one of houses set well back from the front boundary and with a generally open appearance. The scale of the proposed garage, in particular its combined height, width and forward projection, together with its proximity to the front boundary, would make it a dominant feature of the house and incongruous in the street scene. On this basis, it would be harmful to the character and appearance of Fletchers Way and would conflict with Policy CS2 of the LP, Saved Policy H17 of the LP2004, and guidance in the SPD.

Living conditions

14. The proposed side extension would be two-storey and would project out from the main house to the boundary with No 6. No 6 already has a two-storey side extension, which is around 1 metre from the joint boundary, and which includes two windows in the side elevation facing No 8. These apparently serve a study and a utility room. The proposed extension would result in a full-height, two-storey wall outside of these windows at a distance of only a little over 1 metre. Whilst the utility room would appear also to have a window in the rear elevation, the study would not, and whilst it may only be a small room, it forms part of the living accommodation for the occupiers of No 6.
15. The appellant contends that an extension up to 4 metres high could be built using permitted development (PD) rights, and that this would be a realistic fall-back position. However, the extension would be within 2 metres of the boundary and the PD would be limited to an eaves height of only 3 metres. This would be significantly less overbearing than a full-height gable wall. In addition, the study window would appear at present to have a relatively unobstructed view to the north-east over the existing rear extension at No 8, whereas the proposed side wall would continue over the rear extension, albeit reducing in height gradually as the cat-slide roof continues over it. This would obstruct much of the remaining outlook from the study window.
16. In conclusion on this issue, I find that the proposed side extension would result in harm to the outlook of the occupiers of No 6 with regard to the view from the study window. Whilst the appellant considers this to be a minimal, perceived impact, it nevertheless represents some harm to the outlook from a habitable room, albeit a small one. On this basis, the proposal would conflict with Policy CS2 of the LP, Saved Policy H17 of the LP2004, and guidance in the SPD.

Conclusion

17. I find that the proposed extensions would result in harm to the character and appearance of the area around Fletchers Way and would represent an overbearing outlook for the occupiers of No 6. The harm on both counts would be relatively small, but in combination are sufficient for the dismissal of this appeal.

J D Westbrook

INSPECTOR