



Appeal Decision

Site visit made on 22 July 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024.

Appeal Ref: APP/X2410/D/24/3344457

100 Buttercup Lane, Shepshed, Leicestershire LE12 9GF

- 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 and Mrs T Meakin against the decision of Charnwood Borough Council.
 - The application Ref is P/24/0314/2.
 - The development proposed is described as 'second storey extension for en-suite bedroom'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey extension to the side of the dwelling at 100 Buttercup Lane, Shepshed, Leicestershire, LE12 9GF in accordance with the terms of the application, Ref P/24/0314/2, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings: Site Location Plan 19/02/2024, Block/Site Plan 13/02/2024 and 1302-24/sheet 1 of 3 Rev 0 'Proposed Floor and Elevations Plans'.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) The extension hereby permitted shall not be occupied until the first floor en-suite window in its rear elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed. The window shall then be installed in accordance with the approved details and retained thereafter.
 - 5) The covered way hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Preliminary Matters

2. For the purposes of my decision I have used the description of development on the Council's decision notice as this more accurately reflects the proposed plans which clearly indicate a two-storey side extension.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of occupiers of 1 Strawflower Road and 98 Buttercup Lane, with regard to outlook and light.

Reasons

4. The appeal site (No 100) comprises a two-storey detached dwelling located on Buttercup Lane, a recently constructed residential street. 98 Buttercup Lane (No 98) and 1 Strawflower Road (No 1) are a pair of adjoining two-storey semi-detached dwellings, both of which have gardens and elevations containing windows orientated towards the side boundary of No 100.
5. No 1 has a single-storey rear extension which projects closer to the rear boundary than the side elevation of No 98. As both gardens contain a shed and are enclosed with close boarded fencing, the outlook from ground level is contained to some degree by the nearby position of each shed and the boundary treatment. The outlook from the first-floor rear elevations of Nos 1 and 98 is over their rear gardens and towards the side boundary and side elevation of the appeal dwelling. The side elevation of No 100 straddles the rear boundary line of Nos 1 and 98 respectively. Despite the enclosure at ground floor level, a spacious outlook from these neighbouring dwellings exists, albeit at oblique angles looking either side of the appeal dwelling, with buildings located further away also visible.
6. There would be a small gap between the side of the flank wall of the proposed two-storey side extension and the side boundary of No 100. A driveway containing parking spaces associated with No 98 is also located between the proposed extension, the rear garden boundary of No 98 and part of the rear boundary of No 1. The flank wall of the proposed extension and the ground floor windows serving Nos 1 and 98 would be around 8.5 metres and 12.6 metres respectively. The distance to No 98 would meet the guidance in the Council's Design Supplementary Planning Document (2020) (SPD) which advises a 12.5 metre separation distance between ground floor habitable room windows and a two-storey flank wall. However, the distance to No 1 would fall short of this guidance.
7. I observed on site that the kitchen/dining area serving No 98 is served by a glazed patio door and two windows, one of which faces towards Buttercup Road, away from the appeal site. The rear extension serving No 1 contains a rooflight window in addition to a window in its elevation facing towards the appeal site. Whilst views from windows orientated away from the side of No 100 would be unaltered, the proposed extension would be more obvious in views from the rear windows and gardens serving Nos 1 and 98. Even so, the proposed extension would have a hipped roof which reduces its bulk and it would not project beyond the existing rear elevation of No 100, meaning that it would largely be set against the backdrop of the existing flank wall. As a result, the partial spacious outlook to either side would be maintained from the neighbouring rear gardens and habitable room windows facing towards No 100.
8. Despite the gardens serving Nos 1 and 98 being small, I am satisfied that the proposed development would not result in an overbearing impact or harm to the outlook from Nos 1 or 98 owing to the intervening separation gap, existing boundary treatment and relationship to the proposed extension.

9. For the same reasons, even accounting for the south facing orientation of Nos 1 and 98, the proposal would be unlikely to result in a materially harmful loss of daylight or sunlight when experienced from the rear gardens or rooms served by the windows facing towards the appeal site. There is no detailed evidence before me to demonstrate otherwise.
10. Therefore, even though the proposal would not strictly accord with the guidance in the SPD in terms of the separation distance to No 1, given the site-specific relationships described, I am satisfied that the proposed development would not have a harmful effect on the living conditions of the occupiers of Nos 1 or 98, with regard to outlook and light. I am also satisfied that there would be no harm to the living conditions of occupiers of any other nearby dwellings given that they are located further away from the appeal site.
11. As such, the proposed development would not conflict with Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 1991-2006 (2004) (LP) or CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) (CS) which require new development to safeguard the amenities of adjoining properties.
12. The reasons for refusal on the decision notice refer to Policy DS5 of the emerging Charnwood Local Plan 2021-37 (Pre-Submission Draft July 2021). Whilst I am not been informed of the status of this document, the requirements of this policy in respect of the main issue are in any event similar to those set out in the LP and CS and require new development to protect the amenity of people who live nearby. I therefore find no conflict in this regard.
13. Whilst not referred to within the reasons for refusal on the decision notice, the Council has also provided a copy of additional policies from the LP and CS. Having reviewed these policies, they do not alter my conclusion above.

Conditions

14. The Council has suggested various conditions in the event that the appeal is allowed. Conditions specifying the timescales for implementation of the development, and requiring the development be carried out in accordance with the approved plans, are necessary in the interests of planning certainty. In the interests of the character and appearance of the area, a condition specifying that the exterior materials to be used shall match the existing dwelling is also necessary.
15. A condition to ensure that the first-floor bathroom window in the proposed extension is obscure glazed and non-opening below 1.7 metres above floor level is necessary in the interests of retaining privacy for the occupiers of neighbouring dwellings, particularly Nos 1 – 5 Strawflower Road. A condition to require the covered way to be kept available for the parking of motor vehicles is also necessary to ensure that an appropriate level of offstreet parking provision is retained on the site.

Conclusion

16. For the reasons given above the appeal should be allowed.

H Marriott

INSPECTOR