



Appeal Decision

Site visit made on 14 October 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/X2410/D/24/3351604

100 Colby Drive, Thurmaston, Leicester LE4 8LD

- 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 J Singh against the decision of Charnwood Borough Council.
 - The application Ref is P/24/0774/2.
 - The development proposed is described as 'remove existing roof. Increase first floor height with new roof and new canopy roof to front elevation. Update first floor layout. Part render existing & new external walls.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the appeal proposal on the character and appearance of the host property (No 100) and the surrounding area and its effect on the living conditions of the adjoining occupiers at No 98 Colby Drive (No 98).

Reasons

3. The appeal property is a large, wide, detached bungalow with two bedrooms and a bathroom in the roof. It stands on Colby Drive between its junctions with Lawn Close and Orchard Gardens. In summary, the appeal proposal would increase the height of the bungalow to form a two storey house.
4. Due to its size and design, the additional floor would not be a sympathetic and subservient addition to the existing bungalow. Furthermore, the upper levels of the front elevation would appear out of proportion with the ground floor, leading to an incongruous appearance.
5. The area around the appeal site is of mixed character, containing both bungalows and houses. The buildings closest to No 100 are predominantly single storey. The footprints of most of the bungalows in the area are greater than those of the houses which stand on narrower plots. Therefore, the footprint of No 100 is already significantly larger than the two storey houses in the vicinity. Correspondingly, the addition of the first floor would result in an overall scale of development which would greatly exceed, and would contrast with, the scale of the nearby bungalows and houses. The significant increase in bulk on the two side elevations would be particularly apparent in views from Lawn Close and Orchard Gardens.

6. I have taken into account the scale and design of the buildings in the surrounding area, including those with alterations and additions. However, the contexts of the appellant's example schemes are markedly different to the area around No 100. The appeal proposal has been determined on its own merits, having regard to its site-specific context.
7. I conclude that the bulk and massing of No 100 would appear excessive, overly prominent and out of keeping with the neighbouring buildings. These impacts would be exacerbated by its relatively small plot size when compared to dwellings in the locality. The proposed development would appear incongruous when viewed along Colby Drive and from Lawn Close and Orchard Gardens and would be out of character with its surroundings.
8. Turning to the impact of the proposed development on No 98; No 100's shallow rear garden abuts No 98, which stands at its rear. Due to the limited space around both properties, the bulk and mass of the upwardly extended property at such a close distance would appear overbearing and overly dominant from the spaces around No 98. Moreover, the proposed first floor rear bedroom windows would overlook No 98's plot, resulting in an unacceptable loss of privacy to its amenity spaces.
9. Due to the limited distance separation between Nos 98 and 100, I conclude that the proposed development would harm the living conditions of the occupiers of the adjacent No 98 due to its overbearing and dominant effects and the resulting loss of privacy to their private amenity areas.
10. The absence of objections from neighbouring occupiers is not in itself a reason to grant planning permission for unacceptable forms of development. Moreover, the site location plan indicates that No 98 is under the same ownership as the appeal property.
11. For the reasons set out above and having regard to all other matters raised, the appeal proposal is contrary to Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy, "saved" Policies EV/1 and H/17 of the Borough of Charnwood Local Plan (2004), Emerging Policy DS5 of the Draft Charnwood Local Plan 2021-2037, the Council's Charnwood Design Supplementary Planning Document (2020) and the guidance within the National Planning Policy Framework. In summary, these policies and the guidance require high quality design which respects its surroundings and which preserves residential amenity.
12. Accordingly, the appeal is dismissed.

Elaine Benson

INSPECTOR