



Appeal Decision

Site visit made on 25 February 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/X2410/D/24/3354588

53 Holywell Drive, Loughborough, Leicestershire LE11 3JU

- 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 Chris Stavrinides against the decision of Charnwood Borough Council.
 - The application Ref is P/24/0959/2.
 - The development proposed is erection of two storey side extension, two storey partial rear extension, and front porch extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey side extension, two storey partial rear extension, and front porch extension at 53 Holywell Drive, Loughborough, Leicestershire LE11 3JU in accordance with the terms of the application, Ref P/24/0959/2, 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 drawing nos PL-SP-002, PL-E-002, PL-E-003, PL-P-003, PL-P-004 and PL-P-005.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing nos PL-E-002 and PL-E-003.

Procedural Matter

2. The decision notice cites Policy DS5 of the emerging Charnwood Local Plan 2021-2037. Although I have taken this policy into account as a material consideration, it is almost identical to Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) (CLP). In light of this, the direction of emerging policy is not a significant determining factor in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 51 Holywell Drive (No 51), with particular regards to daylight, sunlight and outlook.

Reasons

4. The existing house and attached garage at the appeal site are in close proximity to a side window at No 51, which has previously been granted planning permission to

be converted to a House in Multiple Occupation (HMO)¹. The appellant has provided an excerpt of the approved drawings for the HMO with the room facing the garage annotated as a snug, although at the time of my site visit this room was being used as an office for two university students. Although the room could be used for a different purpose by subsequent occupiers, it is not a functional room such as a bathroom or hallway and is capable of being used by the occupiers for considerable periods of time. Therefore, the room could reasonably be considered a main habitable room.

5. It is clear that the separation distances between the existing house and garage at the appeal site and the snug window at No 51 fall short of the guidance in paragraph 3.165 of the Charnwood Design Supplementary Planning Document (2020) (SPD). It is also very likely that the existing situation does not accord with the 25-degree guideline set out in SPD paragraph 3.159. Furthermore, the snug window looks out onto a fence along the shared boundary. Overall, the outlook from the snug window is already considerably restricted by the house, garage and fence. While the proposal would see a two-storey extension built close to the shared boundary and directly in front of the snug window, and a single-storey projection further forwards than the existing garage, the outlook from the snug window would not be significantly worse than the existing situation.
6. At present, the snug window receives direct sunlight for a short period in the middle of the day, when the sun is directly to the south of the properties, until the sun moves round and the existing two-storey house at the appeal site blocks the light received by the snug window. The set-back of the proposed two-storey extension would be sufficient to prevent any meaningful reduction in daylight and sunlight received by the snug window.
7. For these reasons, the proposal would not cause material harm to the living conditions of the occupiers of No 51. The proposal would consequently accord with CLP Policy CS2 and Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 1991-2006 Written Statement (2004). Amongst other things, these policies require a development to protect the living conditions of nearby occupiers.

Conditions

8. In addition to the standard time limit condition, I have attached a condition specifying the approved plans in the interests of certainty. A condition requiring the exterior materials to match the details shown on the approved plans is necessary in the interests of the character and appearance of the appeal property and the street scene.

Conclusion

9. For the reasons given above the appeal should be allowed subject to the conditions listed above.

D Ellis

INSPECTOR

¹ Planning application ref. P/23/1399/2