



Appeal Decision

Site visit made on 2 April 2025

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/X2410/D/25/3360274

46 Gwendolin Avenue, Birstall, Leicestershire LE4 4HD

- 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 Mehmet Sucin against the decision of Charnwood Borough Council.
 - The application Ref is P/24/1647/2.
 - The development proposed is for single storey extensions to front, side and rear of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extensions to front, side and rear of dwelling at 46 Gwendolin Avenue, Birstall, Leicestershire LE4 4HD in accordance with the terms of the application, Ref P/24/1647/2, subject to the conditions in the attached schedule.

Preliminary Matters

2. The emerging Charnwood Local Plan (2021-2037) has been through examination hearings and consultation on the subsequent Main Modifications and, the Council anticipate that the new Local Plan will be adopted in 2025. Due to the more advanced stage of the emerging plan and its consistency with the National Planning Policy Framework, I have given great weight to the relevant policies therein in reaching my decision.

Background and Main Issue

3. Extensions have already been erected at the appeal property, including a larger single storey rear extension. The appeal proposal seeks to reduce the length of this existing rear extension and reduce the width of the extension, so it is set further away from the boundary with 48 Gwendolin Avenue.
4. In 2018 planning permission was granted for a single storey rear extension at the appeal property, which was of similar length to that proposed, although included a set in from the boundary with 44 Gwendolin Avenue. In a subsequent appeal decision ref APP/X2410/C/22/3305974, the Inspector in dismissing the appeal and upholding the enforcement notice established that the 2018 permission had not been implemented and that the time period to implement this permission had expired. It does not therefore provide a fallback position. However, I have had regard to this appeal decision and other planning history at the appeal property provided in reaching my decision.
5. The main issue in this appeal is the effect of the proposed rear extension on the living conditions of the occupiers of 44 Gwendolin Avenue (No 44), in particular regard to outlook.

Reasons

6. The appeal property is at a higher ground level than the neighbouring property at No 44, which means that the proposed side wall of the rear extension would project above the boundary fence and be visually prominent from the garden, windows and glazed back door of No 44. However, due to the orientation of the appeal property to the north of No 44, the proposed extension would not cause harmful overshadowing, nor loss of direct sunlight to No 44.
7. During my site visit, I observed that the side ground floor openings in No 44 are fitted with obscure glazing, including a door and window that serve a kitchen, with the side window set beneath the first floor element at No 44. Also, the kitchen of No 44 has a further window opening in the rear elevation of the property, which allows views down its rear garden. The side and rear openings are set away from the side boundary with the appeal site, leaving a reasonable distance between the existing openings and the proposed side wall of the rear extension. Also, due to the rear facing kitchen window and long rear garden, the occupiers of No 44 have a good level of private amenity space to enjoy and open views down their garden.
8. Due to its size and position, the proposed rear extension would be visually prominent from No 44. However, having regard to the site context, including the change of ground levels, I find the proposed single storey extension would not have an unduly overbearing impact on the living conditions of occupiers of No 44 in this instance.
9. In regard to appeal ref APP/X2410/C/22/3305974, the Inspector found harm to the living conditions of neighbouring occupiers in dismissing the appeal and upholding the enforcement notice. Although, they noted that there would be less harm caused to the occupiers of No 44, due to the separation distance involved. Additionally, the proposed rear extension would be comparably shorter in length compared to that built and considered in the previous appeal. Therefore, I have based my findings on the merits of the appeal proposal and from my site observations, including as viewed from the neighbour's property.
10. In view of the above, the proposed rear extension would not have a harmful effect on the living conditions of the occupiers of No 44, in particular regard to outlook. Therefore, there would be no conflict with Policies CS2 of the Charnwood Local Plan Core Strategy (November 2015), saved policies EV/1 and H/17 of the Borough of Charnwood Local Plan (January 2004) and emerging Policy DS5 of the Charnwood Local Plan 2021-37 (Pre-submission Draft July 2021, with main modifications), which amongst other matters, require new development to protect the amenity of nearby residents.

Conditions

11. Having regard to the advice contained within the Planning Practice Guidance (PPG) and the National Planning Policy Framework, in addition to the standard implementation condition, it would be necessary for the avoidance of doubt and in the interests of certainty to define the plans with which the scheme should accord. Additionally, to ensure the proposed development would be in keeping with and not harm the character and appearance of the appeal dwelling or the surrounding area, it would be necessary to include a condition that the external materials of the extensions match the existing dwelling.

Conclusion

12. For the reasons given above, the appeal would accord with the development plan read as a whole and there are no material considerations that indicate otherwise.
13. Accordingly, the appeal is allowed.

C Billings

INSPECTOR

Schedule of 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 plans: Proposed Ground Floor Plan Drawing No, PL46 A200 Rev A; Proposed Roof Plan PL46 A202 Rev A; Proposed Elevations Drawing No. PL46 A203 Rev A; Proposed Elevations Drawing No. PL46 A204 Rev A; Proposed Block Plan Drawing No. PL46 A205 Rev A; and Location Plan Drawing No. PL46 A206 Rev A
3. The external materials of the extensions hereby permitted shall match those used in the existing dwelling.

End of Schedule