



Appeal Decision

Site visit made on 11 March 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th April 2025

Appeal Ref: APP/X2410/W/24/3350439

37 Church Street, Thurmaston, Leicester, Leicestershire, LE4 8DQ

- 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 Gary Lowe against the decision of Charnwood Borough Council.
 - The application Ref is P/23/2371/2.
 - The development proposed is construction of a detached two bedroomed bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on site that No. 35A has a crown, not a hipped roof as shown on the submitted street scene drawing number A3/2306/2/L. There are other minor elevational differences between the drawing and the building. I have considered the proposal in respect of its context as currently built.
3. On 12 December 2024, a revised National Planning Policy Framework ('the Framework') was issued replacing the previous version of the Framework. The parties were invited to comment on the implications of the changes to the Framework for the appeal, but no further comments were received.

Main Issues

4. The main issues are the effect of the proposed development on the:
 - character and appearance of the area.
 - living conditions of the occupants of No. 35A with regard to outlook and levels of natural light.

Reasons

Character and appearance

5. The site is a wedge-shaped plot comprising part of a garden with a double garage at the end of a cul-de-sac of semi-detached bungalows. Most of the bungalows have hipped roofs and detached single garages, but the one from which garden would be taken is wider and has a dual pitched roof with rear dormer. The neighbouring plot has been subdivided and a further, smaller, bungalow with a crown roof (No. 35A) has been built roughly where its garage was, along the site boundary, which runs north-west to south-east from the turning head.

6. Whilst dwellings of different formats and roof forms exist in the wider environs of the site, I consider these do not form part of the immediate area for the purposes of characterisation, being further away, lacking intervisibility with, or developed during different periods to, those on the cul-de-sac.
7. The proposal would introduce another small bungalow, alongside but further back from the road than No. 35A, abutting its rear half and all except the last metre or so of its rear garden. The roof would be dual pitched with eaves to the front and back, albeit nearly all of the rear half would contain a dormer. The ridge height and plan depth results in a long, shallow roof slope to the front and a large dormer.
8. The spacious gaps between semi-detached pairs of bungalows lend the cul-de-sac a pleasant suburban character. The recently built bungalow, No. 35A, has eroded the gap between Nos. 35 and 37, nevertheless a reasonable gap between No. 35A and No. 37 remains. Although it would be set back further than the dwellings on both sides, the proposed bungalow in occupying most of the remaining gap would unduly urbanise the cul-de-sac. In addition, the roof of the proposed bungalow would be of a different form to, and have a slope longer and shallower than, others in the cul-de-sac, including no. 35A, alongside which it would appear incongruous.
9. This would harm the character of the area, contrary to Policy CS2 of the Charnwood Local Plan Core Strategy (2011- 2028) (LPCS), Policy EV/1 of the Borough of Charnwood Local Plan (BCLP) and Policy DS5 of the draft Charnwood Local Plan 2021-2037 (CLP), which require development to respond positively to its context, and to respect and enhance the character of the area. BCLP Policy H/17 relates to extensions to dwellings and is therefore not relevant.

Living conditions

10. The part of the proposed bungalow abutting the rear garden of No. 35A would be two storeys in height, extend six or seven metres beyond its rear wall and be located generally south of it. As a result, it would unduly enclose the outlook from ground floor habitable room windows and would be overbearing. It would also place a significant part of the rear garden in the shade during the afternoon.
11. Although the proposed dwelling would only enclose No. 35A on one side, and so would not materially reduce levels of day light, this does not overcome the significant adverse effects on living conditions that I have described. Furthermore, whilst a double garage is already in the location of the proposed dwelling, it is single storey, less overbearing and so has much less of an adverse impact on outlook and levels of natural light to the garden and rear windows of No.35A than would the proposal.
12. For the reasons given, the proposed development would cause demonstrable harm to the living conditions of No. 35A with regard to outlook and sunlight. The scheme would therefore be contrary to Policies CS2 of the LPCS, Policy EV/1 of the BCLP and Policy DS5 of the draft CLP, which require development to protect the amenity of people who live nearby and provide attractive private spaces. It would also run contrary to advice on overbearing and loss of light in the Borough Council's 'Design' Supplementary Planning Document (2020).

Other Matters

13. The appellant asserts that the Borough cannot provide a five-year supply of land for housing. Whilst this was true when the application was refused, the Council has since demonstrated that such a supply exists. Nonetheless, I attach moderate weight to the provision of an additional dwelling.
14. The proposal would subdivide No. 37 and would make efficient use of land as supported by the Framework. However, the Framework also seeks well designed development and a high standard of amenity, which the scheme would fail to achieve. As a result, these considerations are insufficient to overcome the harm identified.

Conclusion

15. The harm to the character of the area and living conditions of existing occupiers would be contrary to the development plan. The provision of an additional dwelling and the increased land use efficiency it entails do not outweigh this. I therefore conclude that the appeal should be dismissed.

S Simms

INSPECTOR