



Appeal Decision

Site visit made on 6 June, 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/X2410/D/25/3364613

26 The Pyke, Rothley, Leicestershire LE7 7LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ajay Nakeshree against the decision of Charnwood Borough Council.
 - The application Ref is P/24/1979/2.
 - The application is for erection of single storey rear extension, two storey side extension with associated single garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal upon the living conditions of neighbours and upon the character and appearance of the area.

Reasons

3. The appeal property is a modern detached two storey house with an existing single storey integral garage that stands within what is a rather unconventional and almost cramped cul de sac location. The house is typical of other buildings nearby where standard house types have been used. Unusually however, the appeal property abuts number 26 Merlin Close that sits adjacent to the appeal site but has an opposite orientation whereby this neighbour's frontage addresses a different street. As such the rear garden of number 26 Merlin Close is adjacent to the front garden of 26 The Pyke.
4. This rear garden is divided by a timber fence and there is an existing tree that stands upon an area of lawn that forms the front garden of the appeal property. To the west is located 28 The Pyke whose principal frontage faces away from the appeal property towards the west. As a result of this house type it appears to have active elevations to three sides with the elevation facing onto the appeal site containing only secondary windows and a glazed door. This property has a conservatory and single kitchen window that faces south over its garden.
5. The proposal before me seeks permission to extend in two ways. Firstly, a first floor would be constructed over the existing integral garage so as to create a two storey 'double fronted' house whereby the garage would become a bay

fronted living room that would echo that on the opposite side. To the rear a lean too extension would project in order to create a generous kitchen/dining area and, in order to compensate for the loss of the existing garage, a new detached brick built garage would be constructed to the front garden of the property.

6. In assessing this appeal I am aware of the Council's Core Strategy Policy CS2, saved Policies EV/1 and H/17 of the Local Plan and emerging Policy DS5 of the Draft Local Plan that seek to protect the character and appearance of an area as well as respond positively to the living conditions of neighbours. Moreover, the Design Supplementary Planning Document echoes these policies and The National Planning Policy Framework in its desire to enhance and improve design quality in the area.
7. The proposal before me would seek to introduce further development into what is already a very cramped cul de sac. In doing so it would introduce more built form within close proximity to neighbouring properties. In assessing the impact of this, the proposal would firstly introduce a first floor side extension that would bring higher built form significantly closer to number 28 The Pyke. The Council consider that the extent of this extension upwards would cause harm to the outlook and quality of amenity within the existing kitchen window to number 28 and it is common ground between the parties that the 45 degree guideline would not be met.
8. I saw on my site visit that the house type used at number 28 The Pyke has its orientation intentionally facing away from the appeal property. As such there are no principal windows facing towards number 26 and only the kitchen window faces south near this boundary. The Appellants have alluded to the fact that this kitchen has a dual aspect with more than one window serving it. Although I consider this possible, I have no direct evidence to confirm to me that this is the case.
9. The main impact of this proposal upon number 28 therefore would be the slight protrusion of the first floor extension into the existing open aspect from this kitchen window and the effect upon daylight due to the encroachment within the 45 degree rule angle. I do not consider that the first floor extension would necessarily cause much detriment to this window due to the modest encroachment beyond the rear building line of number 28. However, this scheme would also introduce a single storey lean too extension to the rear that would extend built form further and higher along this boundary that would be more visible from above the existing boundary fence and would create further harmful enclosure.
10. As such, although I accept that the kitchen window to 28 is south facing and that the 45 degree rule is just a guide, the amount of existing enclosure of this site would be added to by the proposed single storey rear extension. Although I accept that overall daylight would largely be unaffected to number 28, the dominance and associated added enclosure caused especially by the extra single storey protrusion would cause harm to the living conditions of this neighbour.
11. Coming to the effect to the neighbours at 26 Merlin Close, this proposal would see another structure being constructed within this tight knit cul de sac and this would have a further detrimental effect upon the amount of openness that

currently exists here, including the openness from the rear garden of number 26. Although the proposed garage would be of a pitched roof, it would still therefore have an impact upon the amount and quality of daylight and open aspect that this rear garden currently enjoys.

12. Further to this, the felling of an existing tree to make way for the garage would replace a soft landscape feature with a hard built form which would also represent a poor design response and would contribute to a further harmful enclosure of this rear garden.
13. Although the appellants have indicated that this tree could be moved or replanted or even that the garage could be omitted I am unable to offer a split decision on this occasion due to the rear extension element also being harmful to the living conditions of neighbours.
14. Ultimately the proposal before me would cause harm to the living conditions of neighbours at number 28 The Pyke and 26 Merlin Close through overdominance and the reduction in openness. It would also remove a landscape feature and replace it with further built form that would cause some more limited harm to the character and appearance of the area.
15. As such the proposal would be contrary to Core Strategy Policy CS2 2015, saved Policies EV/1 and H/17 of the Charnwood Local Plan 2004 and emerging Policy DS5 of the Draft Local Plan 2021-37 as well as the aspirations for good design as reflected in the Design SPD and the National Planning Policy Framework itself.

Conclusion

16. As such, for the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR