



Appeal Decision

Site visit made on 15 July 2025

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/X2410/D/25/3366052

12 Ratcliffe Road, Loughborough, Leicestershire LE11 1LQ

- 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 Mrs Begum Sujena against the decision of Charnwood Borough Council.
 - The application Ref is P/25/0022/2.
 - The development proposed is for a rear single storey extension comprising new kitchen/diner and bathroom, with external rendering to wall (colour to be white/grey).
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Decision

1. The appeal is allowed and planning permission is granted for a rear single storey extension comprising new kitchen/diner and bathroom, with external rendering to wall (colour to be white/grey) at 12 Ratcliffe Road, Loughborough, Leicestershire LE11 1LQ in accordance with the terms of the application, Ref P/25/0022/2, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out and completed in accordance with the following approved plans: SB/901/L (0)/01 REV A, SB/901/L (0)/02 REV A, SB/901/L (0)/03 REV A and SB/901/L (0)/04 REV A.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The description of proposed development as set out within the planning application forms and within the abbreviated description found on the Council's decision notice refer to the proposal being retrospective. Whilst this is technically correct, it does not constitute development in its own right for which planning permission is required, and does not deviate away from the nature of the proposal which I have assessed on its own merits. I have therefore utilised the appellant's description, albeit without reference to the updated plans as set out within the third bullet point therein. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal upon the living conditions of the occupant of 10 Ratcliffe Road with specific reference to outlook, light and privacy.

Reasons

4. The single storey rear extensions, the subject of this appeal, were almost complete at the time of my site visit and had been constructed broadly in accordance with the submitted plans. I note as part of the planning history of this site that a Certificate of Lawfulness (CoL) (Ref. P/24/0826/2) was granted in June 2024 and which permitted the erection of a side/rear extension right up to the boundary with 10 Ratcliffe Road, albeit 0.2m shorter than that now proposed; and with mono-pitched roof elements, rather than the flat roof construction that has been built out. Furthermore, the rear element accommodating the WC/bathroom is now slightly wider and longer than was found to be lawful previously.
5. Therefore, whilst it falls upon me to assess the appeal proposal on its own merits, I consider that the fallback position, i.e. that which could have been built without the need for a full planning application is a material consideration of significant weight.
6. The side element of the proposal is built off a two storey outrigger, up to the boundary shared with no10; from which I had an opportunity to view the extension. The living room window to the neighbouring property faces north east into its original lightwell, the outlook from which is curtailed to a degree by the new extension.
7. However, by virtue of its single storey flat roof form, on balance, I consider that no demonstrable harm has been caused in terms of the daylight received by the living room or its outlook therefrom. The outlook from no10's kitchen window has been restricted by the new extension, although this is again against the backdrop of the original two storey outrigger, and which incidentally is lower than the permitted development pitched roof CoL scheme.
8. Reference is also made by the Council to a loss of privacy from the west facing window, however I concur that the window is sealed shut and obscurely glazed and therefore no overlooking into no10 is caused by the proposal.
9. Bearing in mind the fallback position, I consider that the Council has not adequately demonstrated any material loss of light or outlook affecting both the sitting room and kitchen windows of no10 would be significant, especially bearing in mind the modest increase in length of the extensions. I acknowledge that the extension is clearly visible within the rear garden scene as well, however bearing in mind the arrangement of the terrace of houses along Ratcliffe Road and Burder Street to the rear, whereby built form is relatively 'cheek-by-jowl', I find no demonstrable harm to the overall character and appearance of the rear garden scene. I understand the neighbour's concerns with regards to smells emanating from the extractor unit, however such units would not normally require an application for planning permission and would be covered by other legislation if a nuisance were caused.
10. On balance, I consider that the proposed development does not cause a demonstrable loss of outlook, light or privacy to the occupant of 10 Ratcliffe Road. From this basis, I consider that the scheme complies with 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), as well as Policy DS5 of the emerging Draft Charnwood Local Plan 2021-37 which together require developments to protect the amenity of people who live nearby, particularly the privacy and light enjoyed by adjoining residential areas, in addition to not proving

detrimental to the amenities of occupiers and nearby properties by reason of overshadowing and dominance.

Conclusion and Conditions

11. For the reasons set out above and having regard to all other matters raised, I conclude the appeal should succeed.
12. The Council suggested the imposition of the standard time limit condition and conditions requiring the development to be carried out in accordance with the approved plans and that materials shall match the existing dwelling. Whilst it is not necessary to impose the first condition due to the retrospective nature of the scheme, I consider that the other two conditions are necessary in the interests of maintaining the character and appearance of the area.

C J Tivey

INSPECTOR