



Appeal Decision

Site visit made on 30 November 2025

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/A2470/D/25/3375018

14 Kings Road, North Luffenham, Rutland LE15 8JH

- 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 Max Robson against the decision of Rutland County Council.
 - The application reference is 2025/0749/FUL.
 - The development proposed is described as the 'Proposed front porch, two storey side extension, additional onsite parking and widening of the existing vehicle access.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development is taken from the Council's Decision Notice. The appeal documents contain a discussion between the Appellant and the Council where it was agreed to amend the application description to better reflect the individual elements requiring consent. I shall determine the appeal on this basis.
3. Reason for Refusal No.1 contains two matters, those dealing with character and appearance and dealing with living conditions. For the avoidance of doubt, I have discussed these matters separately, whereby Reason for Refusal No.2 also deals with matters of living conditions.

Main Issues

4. The main issues are the effect of the proposal upon:
 - The character and appearance of the existing building and the surrounding locality; and
 - The living conditions of the existing, future and surrounding occupiers.

Reasons

Character and Appearance

5. The appeal site is part of a larger residential estate that appears to have been developed in the mid to late twentieth century. The surrounding area contains pairs of semi-detached and detached dwellings with a functional design that have been laid out in a formal speculative housing development which maintains similar designs and materials with two storey construction, pitched and gabled roof forms with some of the dwellings having feature large dormer windows to the front roof plane. Dwellings are constructed in buff brick with concrete roof tiles with timber cladding and tile hanging a popular feature at first floor and to dormer cheeks. The

dwelling in the surrounding area have been laid out in a regimented fashion with similar setbacks from front and side boundaries and gaps in between dwellings enabling glimpses to the tops of trees in rear gardens. These details along with vegetated front gardens assists in creating positive elements which reflect the qualities of character, appearance and local distinctiveness for this particular location. Whilst there is evidence of extensions and alterations seen throughout the estate, they are generally subservient to the main dwelling and retain the positive characteristics which contribute to local distinctiveness.

6. The appeal site appears to be one of the original dwellings of the residential development, however is unique in that it has undergone a later subdivision where the dwelling has been subdivided into four quadrants, with the subject site forming the front quadrant (No.14), and the rear quadrant of the existing dwelling forming No.16. From the street the building appears as a half of a semi-detached dwelling, with the appeal site being 1 and a half storeys tall with a large feature central dormer to the front roof plane and a single storey carport to the side. This design is also replicated to the remaining half (No.s18 and 20), which creates a symmetrical appearance to the street scene.
7. In assessing new development the Rutland Core Strategy Development Plan Document (RCS) Policy CS19; together with the Rutland Site Allocations and Policies Development Plan Document (RSAP) Policies SP5 and SP15 are all design related policies which have a number of design criteria to adhere to such as being high quality, well designed, respond positively and reflect the character of the area in terms of materials, height, scale, and massing, amongst others. This policy is also supported by the Rutland Design Guide Supplementary Planning Document (SPD) which gives further guidance around the considerations for designing residential extensions such as maintaining proportionality and subservience to host dwellings. The appeal site is also within the area of the North Luffenham Neighbourhood Plan (NP) where Policy NL7 concerns sustainable design and placemaking where development needs to be in accordance with design principles such as proportionate in scale, massing, setback, materials, amongst others.
8. The proposed two storey side extension would be approximately a similar width to the existing dwelling giving a very elongated appearance, particularly at ground floor level where there is no setback of the front façade. Whilst the ridge of the extension has been dropped to create subservience, the large front dormer window projection would be of equal size to the existing dormer windows on the pair of semi-detached dwellings. Dormer windows are historically utilised to increase the status of buildings where in this case the main component of the pair of semi-detached dwellings has main feature dormer windows, and the proposed smaller extension also has a large dormer window of the same size. Given that there is symmetry in the two front facing dwellings both with a feature dormer window to the centre of the roof plane, the addition of a third dormer window to the proposed extension would present an asymmetrical appearance which competes with the architectural integrity of the existing building. Whilst I can appreciate that this is a conversion of an existing building, there appears to have been some attempt in the conversion to maintain the appearance of a pair of semi-detached dwellings, and as such the proposal appears to be developed in isolation.
9. Taking the above into account, this is also the case for the rear of the proposed extension which is constructed along the boundary line meaning that there is an

awkward cut away of the rear wall of the proposed extension that does not extend to the rear of the dwelling as one would anticipate of a dwelling. Whilst I appreciate that there is no possibility to accomplish this without the rear dwelling doing similar, the uniqueness of the situation means that the proposal would have an awkward appearance which would give an overcomplicated architectural approach that would not reinforce the qualities of local character and distinctiveness.

10. Similarly, the proposed front porch also does not appreciate the architectural integrity of the existing dwelling, with the addition of a side facing pitched and gabled roof which projects above the eave of the front façade and the proposed door facing side-on instead of towards the street which gives an awkward appearance when the proposal is seen together with the remaining component of the overall building.
11. I appreciate examples given by the Appellant of extensions constructed nearby,¹ such as single storey and two storey extensions. However none of these dwellings have a similar situation as the appeal site which involves an oversized dormer, an asymmetrical resulting appearance and the awkward appearance of the rear of the proposal in relation to the remainder of the dwelling. The examples illustrate that applications are assessed on a case by case basis on their merits. As such the examples do not illustrate the appropriateness of the proposed scheme, which I do not afford weight to.
12. In conclusion of this matter, the proposed extensions would not be a suitable architectural approach as a result of their massing, design and overcomplicated and dominant appearance. The proposal would be harmful to the character and appearance of the existing building, and would not reinforce the positive characteristics of local distinctiveness of the locality. The proposed scheme would therefore be contrary to RCS Policy CS19, RSAP Policy SP5 and SP15, and NP Policy NL7 as described previously.

Living Conditions

13. Whilst the Reason for Refusal on the Decision Notice is not specific to what elements of living conditions are affected, according to the Officer's Report the main concerns are potential overbearing impact and loss of light to No.16 (garden and bedroom window), as well as potential overbearing impacts towards the neighbouring dwelling at No.12.
14. Beginning with No.16, due to the subdivision of the greater building, to the rear of the garage and proposed side extension is the private garden for the rear quadrant of No.16. As this dwelling shares the rear half of the pitched roof, there is also a window in the flank wall that is a secondary window to the first floor bedroom of this neighbouring dwelling. The appeal documents refer to the subdivision planning approval whereby a condition seeks that the window to the first floor gable of both the appeal site and neighbouring No.16 is to be obscurely glazed in order to avoid any overlooking of No.12 which both windows on the appeal site and No.16 look directly towards.
15. Over time both windows to the gable have been changed back to a clear glazed window and the Council is of the opinion that the wording of the original condition

¹ Planning Ref No.s 20 Kings Road Ref:2020/0805/FUL; 3 Kings Road Ref:2021/1016/FUL; 6 Sycamore Road Ref: 2024/0657/FUL; 3 Sycamore Road Ref: 2025/0295/DEP.

means that they cannot enforce against this change. The proposal would remove the gable window to the appeal site. I do follow the logic raised by the Appellant that the neighbouring window of No.16 to the gable should not benefit from planning gains from development that has not been consented in that this window does result in issues around overlooking towards the neighbouring property at No.12. The proposed extension would reduce the level of light to this first floor window of No.16, however it is a secondary window and a window that should be obscurely glazed. Taking this into account I am not convinced that there is adverse detriment to living conditions as a result of loss of light to this gable window.

16. Turning to the rear garden area, currently the formal garden area of No.16 is directly behind the single storey carport of the appeal site. Whilst the neighbouring dwelling already has a wall to the rear of their garden the increased height of the wall as a result of the proposed extension would accentuate the height and poor appearance of the structure in relation to the neighbouring garden. Whilst the proposal contains a pitched roof which somewhat reduces the impact, the increased height would still cause significant detriment as a result of loss of outlook and access to light to the rear garden of the neighbouring No.16.
17. Part of the reason for refusal relates to the perceived overlooking from the roof light which is proposed to the rear roof plane of the extension. The Appellant's Statement of Case states that the window would be 1.7 metres above the finished floor level which is appropriate to avoid any concerns around overlooking from the roof lights. This could also be placed as a condition in order to resolve concerns. I also note comments from an interested party as to overlooking of the existing window at No.16 into the proposed rooflights. However, the bottom of the proposed rooflight would be in-line with the top of the existing window, and hence I do not consider that the neighbouring property could gain direct views into the proposed rooflights. As such I do not agree that any overlooking from or to the appeal site or surrounds would be achieved from the proposed roof lights.
18. Turning to the impact towards the neighbouring resident at No.12. There is already a setback from the existing single storey garage to the boundary of the neighbouring dwelling which also has a small side setback. Whilst the two storey extension would have a larger appearance than the existing single storey garage, there is still a sufficient amount of setback and separation between the appeal site and the side boundary. Whilst the proposal would have a greater perception to the neighbour it is not of an extent that it would cause adverse detriment to this neighbouring property. I am not convinced that the proposal would cause an increase in overlooking towards No.12 as there would be a substantial reduction given the removal of the window in the gable wall. As discussed above the rooflights would also not look towards No.12 and hence I do not agree that there would be a detrimental sense of enclosure or overlooking caused to the neighbouring property at No.12 as a result of the proposed development.
19. Taking the above into account, I do not agree that there would be adverse detriment to the living conditions of No.12, or that there is a detrimental loss of light to the side window at No.16. Conditions would also be able to resolve any perceived overlooking. Whilst these matters have been resolved, the proposal would still have an overbearing appearance towards the garden space of No.16. The application would therefore conflict with RCS Policy CS19, RSAP Policy SP5

and SP15, and NP Policy NL7 which all seek that proposals not cause adverse detriment to the living conditions of surrounding occupiers.

Other Matters

20. I note comments from interested parties with regards to utilities; compliance with restrictive covenants; vibrations of garage door causing structural issues; encroachment of guttering/facia onto neighbouring land; use of bathroom at first floor level. These issues are not planning issues and are dealt with by other legislation such as party wall act, building regulations, and private covenants etc. As such I have not needed to consider these elements as part of this appeal.

Conclusion

21. I have sided with the Appellant with regards to the proposed scheme's impact towards living conditions with regards to overlooking, and sense of enclosure to No.12, and loss of light to the window of No16. However, when the development plan policies are taken as a whole, including any material considerations, this would not be sufficient to override the harm caused to the character and appearance of the area as well as to the living conditions of the rear garden of No.16. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR