

130 Stanley Road, Hinckley, Leicestershire, LE10 0HT appeal against the Hinckley and Bosworth Borough Council unfair rejection of a 2 storey extension at 130 Stanley Road, Hinckley, Leicestershire, LE10 0HT

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Rationale and motivation for this appeal

Tim Hartley (HBBC PA Team Leader Development Manager) wrote an email to me 5/9/24 8:58am, 'It is considered that as submitted the upper floor would have too great an impact on the amenity of the occupiers of the neighbouring dwelling, principally as a result of the new two storey blank brick elevation adjacent to the outdoor seating area/patio. In order for the proposal to be considered acceptable the upper floor should be reduced from a 4m projection to the rear to a 2m projection. This will still allow the smallest bedroom to be increased to a better size. The ground floor remains unaffected

I see the circumstances as being different from the impact that the extension at 134 had on you as the black gable of that property already extended some distance beyond your rear elevation and the extension that was allowed was comparatively short. This is different to the impact that the new 4m blank brick elevation would have on 130

If you can get amended plans to me we can get the application determined. Alternatively, if you did want to appeal a refusal please let me know'.

The plans have been approved! We agree apart from the requested/planned 4 metre 2nd floor extension being shortened to 2 metres (as approved by Tim). Think about it. 2 metres, minus the depth of cavity walls plus insulation means that there will not be enough additional space to swing a cat, never mind (as Tim puts it) 'allow the smallest bedroom to be increased to a better size'.

The aim and hope are to simply make our 3rd bedroom to be more useful, and to be the equivalent size as the adjoining bedroom. In addition, the back of our house will be renewed and far more energy (and sound) efficient. The current useable width of our 3rd bedroom is 2.4 metre and just about fits a single bed with a set of drawers. My son Sam has always called it a Harry Potter room.

The plans from 1988 are included in the attached documents to this appeal. In summary, differences to the 1988 plans are: removal of garage, removal of veranda, removal of bathroom and use of space as bedrooms, addition of 0.4M in length to be level with 134 Stanley Road's extension. I had, in all honesty, assumed this application would fly through approval.

With Reference to the 2023 single storey planning application, refusal, appeal, appeal dismissal

Previously applied for an 8 metre single storey extension. We were denied by Hinckley and Bosworth Borough Council (HBBC) Planning Authority, HBBC PA Ref. No: 23/00422/HOU.

Our appeal (Appeal Decision APP/K2420/D/23/3330070) was rejected by the Inspectorate:

- We were informed that we were not allowed to speak with the Inspector. The Inspector said at the time of his visit that he will be speaking with the neighbour next. **We did not find this approach to be fair. Will this appeal allow us the same freedom to rationalise with the Inspector, as was afforded our neighbour last time in 2023?**
- 'Benefits arising in this case would be limited in scale', K Savage. Inspector. **As a direct consequence of this decision, 132 Stanley Road approved plans from 1988 were simplified and used as the basis of this application. It is a great shock that HBBC PA have refused our application. It was thought that surely HBBC PA will allow this request to fly through approval and not be shot down in flames (again). What, if anything has changed since 1988?**

- 'I am not provided with full particulars of that site's planning history so as to understand the Council's considerations in granting permission for extensions, such as what existed beforehand. In any event, the assessment of the effect on living conditions is necessarily site specific and the effects of one development will not always be identical to another, even when neighbouring dwellings are involved, due to differences in the relative size, position and relationship between buildings. Therefore, I do not consider the development at No 134 to set a precedent for the appeal scheme, which I have considered on its own merits', K Savage. Inspector. **This is unfair because there was a great deal of effort put into the last appeal to rationalise why we should be allowed to 'come in to the light' and not be shaded out by 134 Stanley Road.**

Furthermore, we have no record or recollection of HBBC Planning Authority visiting our property as part of the planning process for 134 Stanley Road remodelling. I did not imagine the detrimental impact to light 134 Stanley Road would have on us and also, I trusted that HBBC Planning would be fair and represent our view, or at least help us. If HBBC Planning had made an appearance at our property then I may have better understood the impact and apposed the planning – particularly if I had the slightest inkling that they would take a harder line with us, when our applications are nowhere near the size, scope and impact as 134 Stanley Road has on 132 Stanley Road and 136 Stanley Road. I assert that HBBC Planning are not acting fairly. A fair approach would be to apply the same approach, methods, processes and standards to all – isn't that the point of a Policy and intermediation by central authorities as experts in this domain? 130, 132 and 134 Stanley Road enjoy very similar plots, house sizes, and relative positions. The statement 'due to differences in the relative size, position and relationship between buildings' (above) is therefore not relevant in our case. I could understand it if there were differences. This broad-brush approach simply does not apply in this case and I request very politely that you to take the time to fully appreciate our circumstances.

- **At the time of making the appeal (2023), I was not in receipt of the objections. There was in fact one objection. The objection included what appears to be a legal threat 'avoid us having to employ the services of our solicitor'. Is this something HBBC PA and the Inspectorate consider is appropriate behaviour?**
- **This process has cost me the better part of £1000. At what point will I be allowed to build something useful?**

Response to emails from HBBC PA manager (Attached document)

'I see the circumstances as being different from the impact that the extension at 134 had on you as the black gable of that property already extended some distance beyond your rear elevation and the extension that was allowed was comparatively short. This is different to the impact that the new 4m blank brick elevation would have on 130', HBBC Planning Manager Team Leader, by email.

(See Appendix image) This is simply a ridiculous, ill considered and uncaring statement. I would assume better from a team leader. Why? Because of the significance of the 2nd storey additional height and length, which equates pretty much exactly with the difference between the 2m and 4m

we are looking for. On one hand, the Team Leader is saying it has no difference (approving 134 Stanley Road's plans) and then on the other hand saying the 2m additional length and height at first floor is significant in our case, leading to our plans being refused. It smacks of bias and unfairness. Please pass our plans.

View from 132 Stanley Road showing 134 Stanley Road overbearing and extending by 4M past 132SR. You can see the new bricks. The extra 2 metres out is the reason for this appeal, with less light impact on 130 Stanley Road due to roof design **and** note that our living space is on the near side of our house (130 Stanley Road living space is on the far side).

Response to emails from HBBC PA Technical Planning Assistant (Attached document)

Stephen Sarfo (the planning officer who reviewed my 2 storey planning application) sent me an email (included in this appeal's attachments) quoting from 'The Guide' where it insists on a 45 degrees rule. My view is that this rule does not apply because 130 living area is well away from 4metres (because a 45 degrees triangle has equal length sides).

The HBBC planning guide (The Guide) is currently under review. In The Guide, it claims:

'... ensure that consistent rules are applied to the assessment of design by Hinckley and Bosworth Borough Council. In doing so, this will simplify the application process for applicants and the local authority alike.'

It is a wholly over-lengthy document, weighing in at an excessive 134 pages, that neither brings fairness nor simplicity. It simply adds far too much complexity, bureaucracy and an expectation that all around the Borough has time to become an expert. It brings in a system like the French have, where if your face fits we don't need to be an expert in drudgery.

Response to the HBBC PA planning refusal decision notice

The current planning application for a 4 metre, two-storey extension (Ref. No: 24/00647/HOU | Validated: Tue 09 Jul 2024 | Status: Refused) refused on the basis of overbearing effect on their outdoor amenity space and as a result of loss of light to the first-floor bedroom closest to the common boundary.

Overbearing effect on their outdoor amenity space

Which outdoor amenity space? The jacuzzi positioned right up against our boundary so that we can hear the noise from people and music playing? Or the patio? We have long gardens. Is it not reasonable to use the whole length of the garden or at least explore all options? To begin with, their outbuilding has a patio. They have a long path that could accommodate social gatherings. The morning sun is shaded by our own houses, so that isn't the issue. We agree with our neighbours at 130 Stanley Road, we would like to enjoy the sun too. Unlike 130 (and 134) Stanley Road, who have their living space on the opposite boundary, our living space and main rear bedroom sit closest to the side adjacent to 134 Stanley Road. Based on the rationale used by HBBC here, 134 Stanley Road's 1st storey extension breaks the rules laid down for us. To be clear, we hardly experience the sun on our living room. We are cast in to shade and HBBC PA seem happy with this. Why didn't HBBC PA recognise this when approving the development at 134 Stanley Road? Why can we not be returned

to enjoy sunlight? How is this fairness? Please approve our plans. We are only asking to be level with 134 Stanley Road. An improvement would be to extend past so we experience the sun at the same time. 130 Stanley Road have gained approval from 128a Stanley Road to install a new window in the side of 130 Stanley Road – 130 Stanley Road look for improvements. Compare this to when I ask for permission to gain access to paint the side of our house (painting for the 4th time in 30 years, previous neighbours always allowing me access). My request was met with unreasonable demands until I appointed a professional decorator to the cost of £500 (2024). The point is, 130 Stanley Road appear to have the same expectation of changing their living space so that they can better enjoy life. They are denying that I do the same. Is that reasonable?

I supported their plans for an outbuilding. I had assumed that they would accommodate us.

Loss of light to the first-floor bedroom closest to the common boundary

The bedroom remains unused. Who is going to witness the loss of light? Occasional guests?

HBBC uphold their opposition but do not care a jot that our living space is largely in umbra shadow.

The light will be no where near as lost as that we experience as a result of 134 Stanley Road. In a similar manner (because the plots are of similar size) 130 Stanley Road has the option to extend. In fact, should you look at the HBBC PA planning website you can see that 130 Stanley Road has enjoyed approval of developments 3 times: 1980, 1991, 2021. 132 Stanley Road have had 1 development for a small porch that HBBC PA insisted go through full planning when the porch height was 8 inches above the height permitted without planning permission – to accommodate our high ceilings! When is HBBC PA going to treat us fairly? Will the Inspectorate please approve our plans? The owner at the time of 132SR porch plans, 130SR opposed our plans, the current owner would not know any difference. The same goes for future owners of 130SR, as an when our plans are approved.

See the Appendix images. Due to the privilege of having previous plans accepted, 130 Stanley Road already extends 2 metres past the end of 132 Stanley Road (Appendix image). This already reduces the impact of extending 132 Stanley Road. Also, 132 Stanley Road is 4 metres behind 134 Stanley Road (Appendix image).

Risk of flood

As part of the last opposition 130 Stanley Road mentioned flooding.

In response to that. It would seem 128a Stanley Road were asked by 130 Stanley Road to implement good drainage down the side of 130 Stanley Road. I would like to add that 130 Stanley Road's patio block paving is built directly against the side of our house with no drainage. Is it another example of pleasing oneself?

New owners – as and when

Any new owner will want to develop our property. What will it take for HBBC to pass plans that make a reasonable and positive difference to the property? Having sold at a price below potential (at some future unplanned date) will we walk by a gleaming remodelled property? Will HBBC be liable for future loss in our value because they refuse to approve anything that will add value? It all seems a little too biased towards our neighbours. Remember, our 2024 plans were passed previously in 1988. The difference is 2M to the 1st floor.

Planning laws

In HBBC's refusal letter, they mention the laws preventing our development. What about laws that support our proposals? Unless we pay legal fees, do we not get an equal and equitable access to developments?

We have no recollection nor records of HBBC visiting our property for the original 134 SR development and then the additional larger window etc approvals. One rule for one, another rule for someone else? Or is it fairness for all? I honestly cannot tell.

I obviously reserve the right in future to refer to more experienced personnel.

Jumping through hoops

How many hoops do HBBC expect a private owner to jump through when all that is planned is a simple 2 storey development? If you look at plans across the Borough, it isn't difficult to find approved plans that are simple CAD drawings, with a bit of brown shading.

This idea that when it suits HBBC, there is a published set of rules to follow. Then in a few words, each situation is deemed individual. It all seems a bit contradictory and make it up as we go along. A bit like the French system. I am looking for the Secretary of State's representatives Inspectorate to support an additional 2M first floor extension – plans that have previously been approved.

Roof designs and the impact of the loss of light

Refer to the attachment accompanying this appeal. It is a marked-up photograph showing the sun's rays/shadow. You will agree that the simple lines drawn at the same angle for 130 and 132 Stanley Road is due to *practically* infinite distance and the lines may be considered to be parallel.

The pitch (slope, angle) of the roof of 132's design will have minimal (none?) loss of light impact on the far side living space of 130 Stanley Road. The Inspectorate nor HBBC PA should consider this appeal by 130 Stanley Road in isolation. 132 SR's living space is on the nearside and 134 living space is on the offside. It should be recognised and 132's designs should be approved as a matter of fairness and common sense.

You can simply see the additional impact on 132 Stanley Road of the design of 134 Stanley Road. The high wall is in fact casting the same shadow of a much taller building. We are cast into shadow and HBBC are simply uncaring.

Summary

It seems strange that these plans were not past by HBBC. Why are we even considering an appeal?

I have done what HBBC and Inspectorate ask of me.

HBBC Team Leader Planning Manager on one hand trivialises 134 Stanley Road having a second storey extension adding the 2M that 132 Stanley Road are asking for. In the next breath HBBC Team Leader Planning Manager is denying 132 Stanley Road additional 1st floor development. On one hand claiming consistency across the Borough and then stating that each case is different.

Since 132 Stanley Road's living space is within the 45 degrees rule, it is only fair that our extension is allowed to be built to 4m. We would actually prefer 8m, as already requested, but that was refused on the impact on 134 Stanley Road. We have respected and reacted to HBBC and Inspectorate request from the 2023 application and appeal. I feel like I am hitting my head against a brick wall.

A much more complex design was passed by HBBC in 1988. Surely the legal search would have revealed this when the house at 130 Stanley Road was last purchased and therefore 130 Stanley Road will have known about the plans and the approval status. The case put forward by 130 Stanley Road should be disregarded based on the fact that their living space is on the far side when our living space is on the nearside. In addition, 130 Stanley Road has been granted extensions several times, and as a result is it a case of NIMBY and 'don't do as I do, do as I say'? Do you not get the impression that 'ye shall not pass', no matter the request?

The points in the HBBC refusal letter have been reviewed and rationalised in this document. It seems no matter what, HBBC will not approve plans that provide a more useful, costly, heat efficient amenity for us to further enjoy our living space.

Approval

Should the inspectorate not approve our plans, and in particular 4 metres instead of the suggested 2 metre first-floor extension then we are left with a huge loss of light and remain unsupported by our governing authorities. We are simply looking for fairness.

If this simple design is not approved.

- Then what design will be approved? (2M additional space for the 3rd bedroom provides very minimal benefit).
- How easily will it be to show that fairness 'has not been applied' by an expert in this field and overturn this and future decisions? I might be an expert in this field. Can my plans be accepted without further scrutiny and all-round costs (i.e. to us all)?

The 2 metre length in additional first floor space is significant to the benefits of the build. I have already reduced the plans from 8m (2023 single storey plans) to 4m and I am not asking to go further out than 134 Stanley Road. The designs are already balanced between 130 Stanley Road and 134 Stanley Road. I am not being greedy. I am looking, please, to be given a little understanding here. The original approved plans from 1988 were much more complex and went out 3.6m, 2 storey. I am only asking for 0.4m more to bring us level with 134 Stanley Road.

A list of documents in support of this appeal

- 1) Emails chain with Development Manager
- 2) Email chain with Planning Officer
- 3) Roof design impact on the loss of light
- 4) 132 SR 1924 Rejected Plans. Much more simplified than approved 1988 application.
- 5) 132 SR 1988 Approved Plans. Much more complex than refused 2024 application.
- 6) Screenshot of developments 130 Stanley Road – enjoying planning approvals
- 7) SIGNIFICANT and NOT TRIVIAL. Overbearing impact due to 134 SR additional brick work – HBBC Development Manager trivialises
- 8) 134 SR design. Current and proposed.
- 9) View from 132 Stanley Road showing 130 Stanley Road extending by 2M past 132SR