



Appeal Decision

Site visit made on 29 October 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/K2420/D/24/3352117

132 Stanley Road, Hinckley, Leicestershire LE10 0HT

- 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 Stewart Muscutt against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref: 24/00647/HOU dated 28 June 2024 was refused by notice 5 September 2024.
 - The application is for two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the living conditions of neighbours.

Procedural Matter

3. The description of development used in the heading above differs from that used on the original application form and instead the description is that as used by the Council's decision notice. I consider that the description of development used by the Council more accurately reflects the proposal before me and as such I have used this description accordingly.

Reasons

4. The appeal property is detached gable fronted house within a fairly typical suburban streetscene. The house appears to have been constructed with a 'L' shaped footprint with projecting two storey gable and small porch lean too to the front allowing front room, family room and kitchen to be accommodated as well as a first floor master bedroom. The rear range extends the full width of the house at two storey's giving the house a house bathroom and two other bedrooms. I saw on my site visit that there is a velux style roof light but I have no information before me as to the useability of this space in the loft. The house is set in very slightly from the common boundary with the neighbour at number 130 Stanley Road at the front but appears to be located hard upon the boundary further back.
5. To the rear the property has, like its neighbours, a decent sized rear garden that is relatively long. The garden contains some modest outbuildings as is

common in the area. The adjoining neighbour at number 130 appears to have constructed a much more sizeable outbuilding at the foot of their garden, the planning status of which I have no evidence for. There is however a high hedge that divides the appeal site from its neighbour at number 130 although its top is slightly below window head height.

6. To the opposite side of the site the adjoining neighbour at number 134 has seemingly extended with a first floor extension which has resulted in a rather stark, high, blank brick wall facing towards the appeal property. This has the effect of enclosing some of the rear garden here and, by the Appellant's own admission, it leaves them overshadowed and is a leading factor in their desire to extend.
7. This overshadowing likely occurs due to the orientation of the houses here which face in a roughly north westerly direction. This ensures that the rear elevations of many of these properties are sensitive to extensions to the rear, especially as such extensions would be typically located to the south of their respective neighbours. Although therefore the adjoining site at number 134 has the benefit of obtaining planning permission, I do not consider that it is right to take this as a precedent to justify similar such proposals.
8. In the case before me the Appellant has, previously, obtained permission in 1988 for a similar rear extension to that of this scheme. This scheme however did propose smaller bedrooms to the first floor due to a veranda along the first floor rear elevation and the ridge was more significantly set down from the top of the existing roof. Similarly, there has been a past dismissal of an appeal which sought to construct a single storey rear extension. Despite however this history of applications I am obliged to deal with this case based upon the plans before me and the evidence that I obtained whilst visiting the site.
9. In this scheme the proposal seeks permission to increase both the downstairs and first floor accommodation through a two storey rear extension. This extension would extend the width of the house and protrude by around 4 metres from the existing rear elevation. In some way it would remove the issues around the existing extension to number 134 but would, perhaps inadvertently, lead to the creation of a similar such situation upon the opposite neighbours at number 130.
10. The scheme would result in a 600mm enlargement upon the previously approved application. This previous scheme therefore, notably, must have had similarly sized first floor rooms to that which was suggested by the Council but rejected by the Appellant as a unworkable¹.
11. In considering this appeal therefore, I consider that this affect upon the living conditions of neighbours is the pertinent issue. By extending by 4 metres at a full two storey height, within very close proximity and along a due south orientation, the scheme would appear to be subjecting those residents living at number 130 to a similar degree of harm as that of the extension at number 134 had upon the appeal site. This would be made worse by the proposed gable end to the extension which would raise the ridge height considerably.

¹ Email dated 6 September 2024 suggested the acceptability by the Council of a 2m protrusion from the rear elevation. This was rejected due to the Appellant feeling that this would leave the internal bedrooms unusable. However, this situation would be comparable to that of the previously approved scheme.

12. As such, the protrusion, height and scale of this extension would lead to direct loss of sunlight into the rear garden of number 130 as well as offering a mass of wall that would be over dominating. Despite the presence of the hedge and the illustration showing sun shading provided, the difference between the existing situation and that of the proposed would be significant and damaging. As a result, I consider that this proposal would lead to direct loss of sunlight and a harmful overdominance towards number 130 Stanley Road which would be significantly greater than that of the past approval.
13. Ultimately, although there would seem to me to be some options for extending this property so as to meet many of the Appellant's requirements, when the current scheme is assessed against the policies of the Local Plan, the proposal would be in conflict with Policy DM10 of the Site Allocations and Development Management Policies DPD (SADMP) as well as the guidance contained within the Good Design Guide. As a result, the proposal would also be in conflict with the National Planning Policy Framework (The Framework) in its attempt to encourage good design. As such this appeal must fail.

Other Matters

14. The neighbours at number 130 Stanley Road raised other issues with regards the potential of this scheme to affect their property. This includes the line of the existing boundary and the potential issue of drainage. However, I have no evidence to support these claims other than the dispute between the parties and I consider that any such dispute could be dealt with under other legislation that is without my remit such as Building Regulations or the Party Wall Act.

Conclusion

15. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR