# Appeal Decision

Site visit made on 22 September 2008

**by K Nield** **BSc(Econ) DipTP CDipAF MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

**Decision date:**
**14 October 2008**

**Appeal Ref: APP/K2420/A/08/2077127/WF**
**104 Shilton Road, Barwell, Leicestershire, LE9 8BN**

- 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 and Mrs Bown against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 08/00201/FUL, dated 21 February 2008, was refused by notice dated 27 March 2008.
- The development proposed is described as the alteration to the roof to form an additional bedroom and other minor alterations.

## Preliminary Matters

1. As the development had been carried out and substantially completed before the date of the application, I shall treat the application as one made under section 73A of the Act.

2. The Council has amended the description of the proposed development to "*Extensions and alterations to dwelling*" As the Council's description covers the whole scope of the appeal scheme and the Council determined the application on that basis, I shall likewise determine the appeal.

3. A previous application (Ref: 04/01019/FUL) for extensions and alterations to the host dwelling was approved on 9 November 2004. That scheme allowed a two-storey side extension with a hipped roof to the property. The scheme also included a flat roof dormer in the rear roof plane in a similar position to the proposed balcony arrangement which forms part of the appeal scheme. I shall treat the approved scheme as a fall-back to the appeal scheme and attach considerable weight to it.

## Decision

4. I dismiss the appeal.

## Main Issues

5. I consider that the main issues in this appeal are:

   (i) the effect of the proposed development on the character and appearance of the host dwelling and the locality, and

   (ii) the effect on the living conditions of the occupants of 102 Shilton Road through potential overlooking.

## Reasons

*Character and appearance*

6. The locality is characterised predominantly by a variety of detached and semi-detached dwellings in a suburban area. The host dwelling forms the left hand side of a pair of substantial semi-detached dwellings in deep plots.

7. To the east side of the host dwelling is a large detached dwelling set back in its plot. To the west are detached and semi-detached dwellings, which although of differing designs have, in the main, retained their original design style. Hipped roofs have, in the main, been retained, preserving the character of this part of Shilton Road.

8. The appeal scheme would add a substantial two-storey side extension with a gabled roof to the host dwelling. At the front this would both set back from the main front elevation and its roof ridge would be lower than that of the original dwelling in a subservient design arrangement. However, the extension is not in visual harmony with the form and appearance of the original dwelling and it conflicts with the guidance contained in: *House Extensions - Design Guidance* published by the Council as Supplementary Planning Guidance (SPG) and to which I can attach some weight. That indicates that the roof of the extension should reflect that of the host dwelling and the street scene. Whereas I consider that the previous approved scheme (Ref: 04/01019/FUL) for an extension met that objective the appeal scheme, to my mind, does not.

9. Consequently, I consider that there is also conflict with criterion (a) to policy BE1 of the adopted Hinckley and Bosworth Local Plan (LP) which seeks a high standard of design which, amongst other matters, complements the character of the surrounding area in terms of design.

10. I conclude on this issue that the appeal scheme would have a harmful effect on the character and appearance of the host dwelling and the locality in conflict with LP policy BE1 and the SPG.

*Living conditions*

11. The appeal scheme would install full length doors with a small balcony into the rear roof plane. These features would, in my opinion, give rise to unacceptable overlooking of the patio and rear garden of the neighbouring dwelling which would harmfully reduce the amenity and enjoyment of those areas for the occupants of 102 Shilton Road in conflict with criterion (i) of LP policy BE1. The approved extension scheme contains a dormer in a similar position from which a similar view could be obtained but the proposed balcony would to my mind be more intrusive into the private amenity area of the neighbouring dwelling.

12. The appellant has suggested amendments to the submitted scheme but those would materially alter the submitted scheme and require consultation with interested parties and it is not appropriate for me to consider them.

13. I conclude on this issue that the proposed development would be harmful to the living conditions of the occupants of 102 Shilton Road through overlooking in conflict with LP policy BE1.

## Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Kevin Nield*

INSPECTOR