



Appeal Decision

Site visit made on 16 April 2015

by **G Powys Jones MSc FRTPI**

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

Decision date: 23/04/2015

Appeal Ref: APP/K2420/D/15/3003975

149 The Park, Market Bosworth, Warwickshire, CV13 0LP.

- 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 N Oxby against the decision of Hinckley and Bosworth Borough Council.
 - The application, Ref 14/00938/HOU, dated 22 September 2014, was refused by notice dated 5 January 2015.
 - The development proposed is extensions and alterations.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The scheme has been subject to change through the planning process, but the proposals subject of the Council's determination are depicted on Drawing No 14/50/06B. The proposed alterations and extensions include a relatively short extension at the front of the property at first floor level, alterations to the roof to enable a bedroom to be formed in the loft, and a rear extension at first floor level above the existing kitchen to form an en-suite master bedroom. The Council has no objection to the proposals in terms of their effect on the public realm. I consider the proposals at the front to be well designed and acceptable.
3. Arrangements had been made for me to assess the proposals from the curtilage of the next-door property, 151 The Park, which I did.

Main issue

4. Having regard to the foregoing, the main issue is the effect of the proposals on the living conditions of the neighbouring residents at 151 The Park with particular reference to overshadowing and visual impact.

Reasons

5. The appeal property is sited in The Park on the eastern approach to Market Bosworth. Development is restricted to one side of the road, being comprised of substantial detached properties in generously sized gardens. Opposite the houses is attractive, verdant parkland.
6. The proposed upward extension at the rear would be built upon the walls of the existing kitchen, which are sited less than two metres from the fenced boundary shared with 151 The Park. A glazed conservatory has been erected

on the rear elevation of No 151, and this stands relatively close to the boundary.

7. No 151's rear elevation, which contains some windows to habitable rooms, and its conservatory addition face northwards, and neither element would therefore be likely to catch the sun other than during the summer. Even then, the bulk of Nos. 149 & 151 and their respective ground floor extensions would likely block the sun's rays to a substantial extent.
8. Although the Council considers that the development would result in unacceptable overshadowing, it has not adequately explained how that could be the case, given the orientation of the two properties and the presence of the existing structures to the rear. There is no convincing evidence that the proposed rear extension would, by itself, cause unacceptable overshadowing materially affecting the amount of sun entering No 151, including its conservatory.
9. A significant increase in the height and bulk of the side elevation facing No 151 would ensue, which would be perceived as overly dominant and oppressive when viewed from within No 151's glazed conservatory and from those parts of its garden closest to the house. I note that the appellant considers that the conservatory may not be in use during the winter. However, judging from its furnishings and general condition, I suspect that it is a valued amenity during the summer offering an attractive outlook over the garden. The proposed extension by reason of its size and proximity would considerably and harmfully reduce its amenity value.
10. The appellant's CAD based illustrations of shadowing, given their relative lack of clarity, have been of limited assistance to me, and I have relied in this respect on my own judgement. However, they demonstrate clearly the substantial bulk of the proposed rear extension, compared with the existing situation, and its unacceptable dominating influence on next-door's conservatory.
11. I therefore conclude that the proposed development would harm the living conditions of the neighbouring residents at No 151 by reason of its adverse visual impact. Accordingly, a material conflict arises with that provision of policy BE1 of the Hinckley and Bosworth Local Plan requiring development proposals to be sited and designed so as not to adversely affect the occupiers of neighbouring properties.

Other matters

12. The appellant's references to the *National Planning Policy Framework* (the Framework) have been noted, but I find that the proposals would be inconsistent with one of its core principles, which provides that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
13. I have considered all other matters raised in the representations, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR