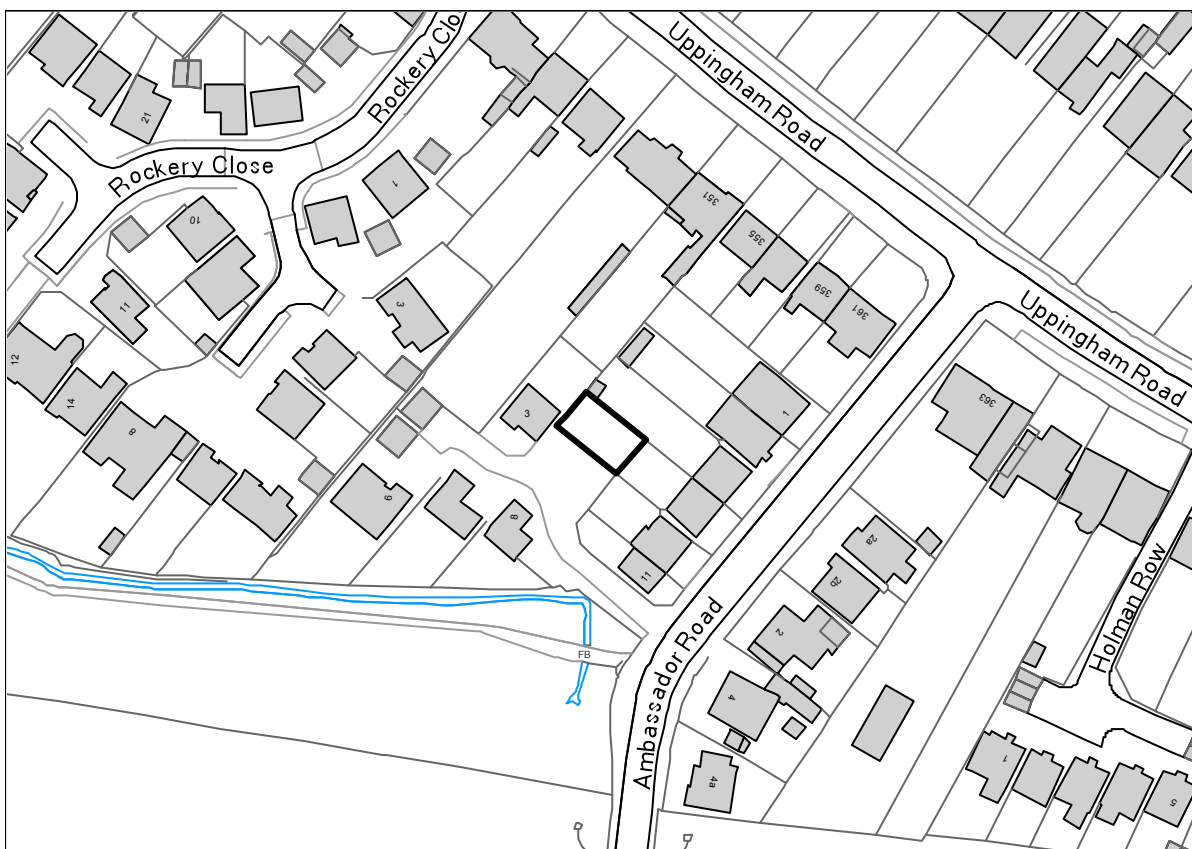


PLANNING INSPECTORATE APPEAL DECISIONS		
<b>20198001A</b>	<b>8 HUMBERSTONE PARK CLOSE, LAND OPPOSITE</b>	
Proposal:	<b>CONSTRUCTION OF FIRST FLOOR FLAT (1X 2BED) ABOVE CAR PARKING SPACES ADJACENT TO HOUSE (No.3) (CLASS C3)</b>	
Appellant:	BYBROOK BUILDERS LTD	
Appeal type:	Planning Appeal	
Appeal received:	4 January 2019	
Appeal decision:	Dismissed	
Appeal dec date:	23 April 2019	
SSB	AREA:	WARD: Thurncourt



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**Summary**

- The appeal was made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The Council indicated in their statement that the application would have been refused.

- The inspector concluded that although he did not agree with lack of external amenity space was inadequate. He agreed that the lack of outlook to bedroom 1 and proximity of the building to No 8 opposite would be harmful to the living conditions of surrounding and future occupiers.
- The appeal was dismissed.

### **The Proposal**

The appeal property comprises a hard surfaced area to one side of No 3 Humberstone Park Close. The proposal would have been constructed over single storey garages (four spaces). The access to the site is from Ambassador Road.

The City Council considered that the proposal resulted in the creation of an unsatisfactory living environment. The proposed rear windows of No's 7, 9 and 11 Ambassador Road, would thereby unacceptably harm the living conditions of the occupiers of these surrounding dwellings, contrary to the development plan policies which seek a high standard of amenity.

It was considered that the scale and location of the proposal was unsuitable for the proposed site because of the inadequate separation distance, which was likely to result in a significant loss of amenity to nearby residents.

The proposal conflicted with the SPD Residential Amenity; policies H07 and PS10 of the City of Leicester Local Plan and Policy CS03 of the Core Strategy.

### **The Appeal Decision**

The appeal was dismissed

### **Commentary**

The inspector considered the main issues to be the implications of the proposal for the living conditions of:-

- 1) occupiers on Ambassador Road and Humberstone Park Close in terms of the potential for loss of light, outlook, overbearing effects and privacy and
- (2) future occupants of the proposed development with regard to outlook, privacy and external amenity space.

The inspector agreed with the council's view that the necessary separation distance was not being complied with and was inadequate to serve the proposed habitable room. The effect would be particularly acute because the proposed living accommodation is single aspect and all the dormer windows are front facing. This would give rise to a serious loss of privacy and outlook to the occupants of No 8 Humberstone Park Close.

The rear wall of the proposed building would also run along a significant length of the rear garden of No 7 Ambassador Road. Because of this and its height, it would loom large relative to the garden and have an oppressive, overbearing effect thereon. As it would stand to the South West of the garden, it would also overshadow it to a

significant degree. Both effects would render the garden appreciably less pleasant to use.

He considered the wellbeing and living conditions of future occupants would be substandard in relation to bedroom 1. In addition, by virtue of the proximity of the front of the building to the front elevation of No 8 Humberstone Park Close opposite, the outlook and privacy of future occupants of the building would be compromised.

The inspector concluded that the proposal would be significantly harmful to the living conditions of surrounding occupants and future occupiers by virtue of loss of light, outlook, overbearing effects and loss of privacy. This would bring it into conflict with Policies H07 and PS10 of the City of Leicester Local Plan 1996-2016 (2006) and Policy CS3 of the Leicester City Local Development Framework Core Strategy (2010), together with the advice in the SPD.