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## Appeal Decision

Site visit made on 22 February 2021

**by Martin Chandler BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 March 2021**

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**Appeal Ref: APP/Z2505/D/20/3262257**

**15 Pilleys Lane, Boston PE21 9RA**

- 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 & Mrs W Qadir against the decision of the Boston Borough Council.
  - The application Ref B/20/0262, dated 21 July 2020, was refused by notice dated 23 September 2020.
  - The development is proposed two storey side and rear extensions and alterations.
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### Decision

1. The appeal is allowed and planning permission is granted for proposed two storey side and rear extensions and alterations, at 15 Pilleys Lane, Boston PE21 9RA, in accordance with application Ref B/20/0262, dated 21 July 2020 and subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
  - 2) The development shall be implemented strictly in accordance with the following drawing numbers: site location plan; 12-405-06 Rev I (Proposed Ground Floor Plan); 12-405-07 Rev J (Proposed First Floor Plan) and 12-405-09 Rev J (Proposed Elevations).
  - 3) The external materials used in the development hereby permitted shall match those used in the existing dwelling.
  - 4) The ground floor window and door located within the east elevation serving the utility room, and the first floor windows located within the west elevation serving bedroom 4, shall be glazed with obscure glass and shall be retained as such thereafter.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions for the occupants of neighbouring properties, having particular regard to No 13 Pilleys Lane.

### Reasons

3. The appeal site constitutes a detached dwelling that has been previously extended, and which is located on a generous parcel of land. The dwelling has space around it and in this respect, it is consistent with the prevailing character of the area, which primarily consists of large detached dwellings set in space.

The proposal would introduce two storey extensions to either side of the property that would also project to the rear. Consequently, they would represent a substantial increase in size to the dwelling.

4. The larger of the two extensions would be located to the left of the house, when viewed from the road. It would introduce an additional side extension with a generous rear projection. The side facing elevation of the neighbouring property, No 13 Pilley's Lane, also known as Stump House, contains three ground floor windows, and one first floor window, all of which face the shared side boundary. Based on the evidence before me, including a representation provided by the existing occupants of No 13, two of the ground floor windows serve a sitting room, with the third serving a sunroom. The first-floor window serves a bathroom and is glazed with obscure glass.
5. The side extension would bring the mass of the building closer to these side facing windows. However, the evidence confirms that all of the ground floor openings serve rooms which have more substantial windows that face front and back. In the case of the sitting room, this benefits from a large window to the front, which due to its relationship with the proposed extension, would be unaffected. In addition, the proposed side extension would be substantially set back from the front of the property. This would ensure that of the two windows serving the sitting room, the one nearest the front of the property would also be unaffected. Accordingly, due to the size and location of the front facing window, and the set back of the proposed extension, I am satisfied that any impact on the central ground floor window would not materially harm the daylight received by, or outlook from, the adjacent sitting room.
6. The same side extension would include a substantial two storey rear projection which the rearmost side facing window of No 13 would look towards. However, due to the angled side boundary of the site, the extension would be set further away from this window. The sunroom is also served by substantial levels of south facing glazing, and although the proposed extension would project beyond this room, I am satisfied that the extensive levels of glazing would ensure that the proposal would not materially compromise daylight or outlook.
7. The proposed east facing side elevation would include a door and a window serving a proposed utility room, a door serving a kitchen area, and a larger window opening serving a proposed living area. In relation to privacy, I am satisfied that the kitchen and living area openings are suitably removed from the boundary so as to be acceptable. However, due to their closer proximity to the low boundary enclosure, the utility room openings would have potential to compromise the privacy of the occupants of No 13. Despite this, I am satisfied that through the use of obscure glass, this concern could be suitably mitigated. This is a matter that could be adequately controlled through the use of an appropriately worded condition.
8. Accordingly, for the reasons identified above, I am satisfied that the proposal would not result in an oppressive or unneighbourly form of development. I therefore conclude that the proposal would not harm the living conditions of the occupants of neighbouring properties, having particular regard to No 13 Pilley's Lane. It would therefore comply with Policies 2, 3 and 30 of the South Lincolnshire Local Plan 2011 – 2036 (2019), which taken together, seek amongst other things, high quality design which does not impact upon neighbouring land uses.

### **Other Matters and Conditions**

9. The proposed extensions, particularly when viewed from the rear, would represent a large addition to the existing dwelling. However, due to their scale and positioning, the extensions would be subservient to the front elevation. In addition, they would retain space about the property and accordingly, would be suitably respectful to the prevailing character and appearance of the immediate locality. As a consequence, I am satisfied that the proposal would not harm the character and appearance of the area, and I note that the Council concluded similarly.
10. The proposal would also reduce the extent of hardstanding for the parking of vehicles. However, it would retain a large driveway and there are no parking restrictions on the highway. Accordingly, I am satisfied that the proposal would still retain ample parking on site and would therefore not compromise highway safety.
11. In light of my findings set out above, conditions are necessary in the interests of precision to establish the time limit for commencing development, as well as to list the approved drawing numbers. I note the Council's suggestion for granting an additional year due to the current pandemic, however, I have no compelling evidence before me to suggest that such a relaxation is necessary. To ensure a suitable finish, a condition relating to facing materials is necessary, and a condition is also necessary in relation to the use of obscure glass for the reasons identified above. Due to the presence of first floor windows in close proximity to the western boundary, these should also be glazed with obscure glass to protect the privacy of neighbouring occupants.

### **Conclusion**

12. For the reasons identified above, the appeal is allowed.

*Martin Chandler*

INSPECTOR