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# Appeal Decision

Site visit made on 3 January 2017

**by Chris Couper BA (Hons) DiP TP MRTPI**

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

**Decision date: 9<sup>th</sup> January 2017**

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**Appeal Ref: APP/L2440/D/16/3163190**  
**199 Glen Road, Oadby LE2 4RJ**

- 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 Baldev Sangha against the decision of Oadby and Wigston Borough Council.
  - The application ref: 16/00412/FUL, dated 26 September 2016, was refused by notice dated 8 November 2016.
  - The development proposed is the erection of an annex at the rear.
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## Decision

1. The appeal is allowed and planning permission is granted for an annex at the rear of 199 Glen Road, Oadby LE2 4RJ in accordance with the terms of the application, Ref 16/00412/FUL, dated 26 September 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. P001 Rev B, P002 Rev C, P003 Rev A, and P004.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the host dwelling.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

3. No. 199 is one of a pair of broadly similar, large, detached dwellings which are slightly set back from Glen Road. They are separated by a driveway which provides access to detached garages to the rear. Elsewhere along this stretch of Glen Road and nearby Gorse Lane the built form, siting and layout of development is varied. There are examples of development in depth, as evidenced at page 7 of the appellant's statement of case. Those include a building offset to the rear of no. 195 Glen Road ('No. 195'), and an outbuilding

approved for a relative's special needs, but incidental to the main dwelling, at no. 197 Glen Road ('No. 197'), which was considered at appeal (Ref: APP/L2440/D/13/2203116). The Council states that this site and its vicinity do not have a particular distinctive character or order. I agree.

4. The proposed annex would be located towards the rear of the site on an unkempt area of ground beyond the host dwelling's lawn, which would be retained, and attached to its existing garage. In that location the Council contends that it would be backland development, and out of character with the streetscene where dwellings are predominantly located to the front of the site.
5. Although the annex would have a significant floorspace, it would be single storey with a limited ridge height of approximately 4.1m. The scheme's siting would be broadly similar to the existing outbuilding at no. 197. The Council has not contested the appellant's assessment in his Design and Access Statement that it would be of a similar ridge height to that outbuilding, but would have a smaller format size.
6. The outbuilding at no. 197 does not have vehicular access, whilst this one would be partially seen from Glen Road by looking down the long driveway. Nevertheless, that view would be at a significant distance, and with a backdrop of the existing buildings immediately beyond at no. 5 Gorse Lane. Given all the adjacent development, and the varied siting of buildings in the vicinity, this proposal's siting would not significantly harm the area's character. It would not be prominent in the streetscene. Additionally, bringing this part of the site into active use would significantly improve its quality from its currently overgrown and unkempt state.
7. The Council is also concerned that should this scheme be approved, similar development would be repeated on adjacent land, although it has not identified where that land is. Given that there are existing buildings to the rear of nos. 197 and 195, and that nos. 201 and 203 Glen Road have very narrow plots, I am not persuaded that there are comparable circumstances. In any event, as this scheme would not cause significant harm to the character and appearance of the area an undesirable precedent would not be set.
8. The Council states that the annex would be tantamount to a new house, and I note that it would contain a shower room, and a sun room with an outlook over an area of garden. However, the annex is shown on drawing no. P002 Rev C as predominantly comprising a games room (albeit with a sink/worktop area), an entrance hall and gym; and occupation independent of the main dwelling would require planning permission.
9. In reaching my decision I have had regard to the site's planning history, including a dismissed appeal (Ref: APP/L2440/W/15/3136814). However, that scheme was for an independently-occupied detached bungalow. Although I do not have the details of that scheme, the Inspector noted that it was for a larger building than the one approved to the rear of no. 197. Consequently there are material differences between that dismissed appeal scheme and this proposal.
10. Amongst other matters and in general terms, policies 14 and 15 of the Oadby and Wigston Core Strategy 2010, and Landscape Proposal 1 of the Oadby and Wigston Local Plan 1999 ('LP') state that schemes should respect the prevailing local character and pattern of development, and contribute positively to the

quality of the environment. The scheme would not conflict with those policies, or with the National Planning Policy Framework ('Framework') core principle that planning should take account of the character of different areas. Although the Council's decision also refers to LP Housing Proposal 13, given that this scheme is for an annex that policy is of limited relevance to my decision.

11. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. In addition to the standard time limit condition, in the interest of certainty, I have imposed a condition specifying the relevant drawings. The application form indicates that the annex would be finished with brick and tiles to match the host dwelling, which is partly finished with brick. In the interests of the character and appearance of the area, a condition to that effect is necessary. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

*Chris Couper*

INSPECTOR