The Planning Inspectorate

Appeal Decision

Site visit made on 21 February 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 23 February 2017

Appeal Ref: APP/W2465/D/17/3167779
31 Osmaston Road, Leicester LE5 5JH

- 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 Hamzah Mohammed against the decision of Leicester City Council.
- The application Ref 20161815, dated 12 September 2016, was refused by notice dated 7 December 2016.
- The development proposed is construction of single storey extension at front and rear; two storey extensions at side and rear; dormer extension at rear of house; alterations (Class C3) (Amended plans received 22/11/2016).

Decision

1. The appeal is allowed and planning permission is granted for construction of single storey extension at front and rear; two storey extensions at side and rear; dormer extension at rear of house; alterations (Class C3) (Amended plans received 22/11/2016) at 31 Osmaston Road, Leicester LE5 5JH in accordance with the terms of the application, Ref 20161815, dated 12 September 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan 1:1250; Block Plan 1:500; 16/2820/01B; 16/2820/01B showing side elevation only.

    3) The external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. I have used the description of development given on the decision notice in the heading above for clarity.

3. In condition 2, I have listed proposals plans marked as submitted 22 November 2016 only.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site (No 31) is a modest semi-detached dwelling situated within a series of similar two-storey dwellings separated by adjoining garages or side extensions. Most dwellings nearby bear evidence of extensions and alterations, and I noted there is little underlying consistency in those alterations. A pair of garages separate No 31 from 29 Osmaston Road (No 29).

6. The development would comprise a two-storey side extension which would project beyond No 31's rear elevation and extend across the full plot width of the garage. There would be a further porch extension on the front elevation and a single storey extension on the remaining original face of the rear elevation as well as a dormer window serving roof accommodation.

7. The Council argues that the extension would not comply with the set-back guidance given in the SPD[1] in respect of the proposed ridgeline or front face of the side elevation and that consequently there would be a terracing effect with No 29. This, the Council argues, would have an adverse visual effect on both No 31 and the street scene.

8. The Council has drawn attention to similar side extensions at 45 and 47 Osmaston Road (Nos 45 and 47) as examples of side extensions that conform to the SPD guidance. However I observed that the setback at No 45 is significantly less than 1 metre. Furthermore, the minimal distance between the side extensions of Nos 45 and 47 is as great a contributor to a terraced effect between the two dwellings as is the distance of the setback. As such I am not satisfied that the proposed 0.6 metre setback proposed here would cause a terraced effect, particularly as it would be adjacent to No 29's single storey garage, or be detrimental to the host dwelling.

9. I appreciate that the proposed ridgeline would be just 0.2 metres lower than that of the host dwelling, but it would nonetheless be lower. In the context of other alterations in the immediate area which include front and side dormer windows, as well as conversions from hipped to gable ends, I do not consider this to be particularly incongruous or detrimental to the street scene. Furthermore, the underlying development pattern is sufficiently tight for adjacent buildings to partially screen the roof form when viewed from further away.

10. In the light of the above, although I appreciate that the extensions would not entirely comply with the guidance in the SPD, I am not satisfied that they would be sufficiently detrimental to the character and appearance of the area, or the host dwelling, as to warrant dismissal of the appeal.

11. As such, I consider the development would not be contrary to the design aims of Policy CS3 of the Core Strategy[2] and Policy PS10 of the Local Plan[3] which taken together require development to contribute positively to an area's character and which take visual quality into account. Nor do I consider the development would be contrary to the design aims of Paragraphs 17 or 58 of the National Planning Policy Framework (the Framework), which seek to secure good quality design.

[1] Leicester City Council, Residential Amenity Guide, adopted February 2008
[2] Leicester City Council, Core Strategy, adopted November 2010
[3] Leicester City Council, Local Plan, adopted January 2006

Conditions

12. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.

13. I have also imposed a condition ensuring that the materials used match those of the host building to safeguard the appearance of the area. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

14. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR