

Appeal Decision

Site visit made on 16 May 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 1 June 2017

Appeal Ref: APP/L2440/D/17/3173708

23 Falmouth Drive, Wigston, Leicester, Leicestershire LE18 2HH

- 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 Ashley Hill against the decision of Oadby and Wigston Borough Council.
 - The application Ref 16/00420/FUL was refused by notice dated 19 January 2017.
 - The development proposed is described as 'two storey rear extension and front porch with lean to roof.'
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension and front porch with lean to roof at 23 Falmouth Drive, Wigston, Leicester, Leicestershire LE18 2HH in accordance with the terms of the application, Ref 16/00420/FUL, dated 19 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: Proposed site plan, 23 FALM – 100C and 23 FALM – 101B.
 - 3) The external materials to be used in the development hereby permitted shall match in colour, form and texture those of the existing building.

Procedural matters

2. The application form that accompanied the appeal documentation is undated. I have therefore used the date of receipt from the Council's decision notice in my decision (19 September 2016).

Main issues

3. The main issues in the appeal are:
 - the effect of the proposal on the living conditions of No 21 and No 25 Falmouth Drive (No's 21 and 25), with particular regard to light and outlook; and
 - the effect of the proposal on the character and appearance of the area.
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Reasons

4. The appeal property is a brick built two storey semi-detached house with a large rear garden, within an established residential area of similar properties. The rear garden area is enclosed by boundary fences approximately 2m in height.

Living Conditions

5. Policies 14 and 15 of the Oadby and Wigston Core Strategy (OWCS) and Policies Landscape Proposal 1 and Housing Proposal 17 of the Oadby and Wigston Local Plan (OWLP) seek to ensure, amongst other things, that development does not have an unduly detrimental effect on the amenities of neighbouring residents.
6. I have carefully considered the Council's representations in relation to the effect of the proposal with regard to outlook, in particular the rear projection (approx. 3.3m) and height of the proposal. However, when assessed against the guidance set out in the Council's 45 Degree Code of Practice, it is clear from the submitted plans that there would be adequate separation between the proposed rear extension including the two-storey element and the neighbouring properties (No's 21 and 25). Therefore, based on the evidence before me and my on-site observations the proposal would not have an unneighbourly or overbearing impact on the outlook from adjoining properties or their associated garden areas.
7. Local residents have raised concerns in relation to light and overlooking. However, due to the orientation and siting of the proposed rear extension, it would not appreciably reduce the level of sunlight/daylight reaching No's 21 and 25. Furthermore, I consider that the proposal would not materially increase the overlooking of adjoining rear gardens when compared to that from the existing windows.
8. Accordingly, I conclude that the proposal would not materially harm the living conditions of the neighbouring properties and as such, the development does not conflict with Policies 14 and 15 of the OWCS and Policies Landscape Proposal 1 and Housing Proposal 17 of the OWLP. In reaching this conclusion I have taken account of the Council's Residential Development Supplementary Planning Document.

Character and Appearance

9. The Council have argued that the two-storey element of the rear extension would appear incongruous in the context of the area and would not be subservient to the host dwelling. I accept based on my on-site observations that there are no other similar two-storey rear extensions within the immediate vicinity of the appeal site. Notwithstanding this, I consider that the proposed rear extension is domestic in scale and would relate well to the simple design of the host property. Furthermore, the two-storey rear element would sit below the existing ridge line and as such would be subordinate to the host dwelling ensuring that the proposal would not be visually dominant in this site specific context.
10. I consequently find that the proposed development would not result in material harm to the character and appearance of the dwelling and the street scene, due to the proposal being of a subordinate and domestic scale that relates to

the host dwelling and surrounding area. Having come to the conclusions above, it follows that the proposal would be consistent with Policies 14 and 15 of the OWCS and Policies Landscape Proposal 1 and Housing Proposal 17 of the OWLP. These seek amongst other things to ensure that development respects local character and is subordinate to the main building.

Conclusion and Conditions

11. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, it is necessary for certainty, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme it is necessary for materials used in its construction to match those of the host dwelling.
12. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR