
Appeal Decision

Site visit made on 4 July 2017

by R A Exton Dip URP MRTPI

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

Decision date: 31st July 2017

Appeal Ref: APP/W2465/D/17/3176594
74 Nicklaus Road, Leicester LE4 7RT

- 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 Bhaiji against the decision of Leicester City Council.
 - The application Ref 20170408, dated 1 March 2017, was refused by notice dated 26 April 2017.
 - The development proposed is described as two storey side extension to original dwelling house, single storey rear extension to original dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the living conditions of neighbouring residents and ii) the character and appearance of the area.

Reasons

Living Conditions

3. No 74 Nicklaus Road forms one half of a pair of modern semi-detached dormer bungalows. It sits on the end of a row next to a similar pair of dwellings facing Nicklaus Road. To the north, and at right angles to the site, are pairs of semi-detached two storey houses facing onto Silverstone Drive, although the closest dwelling is No 76 Nicklaus Road. The rear gardens of a number of these dwellings bound the appeal site where the side extensions are proposed.
4. The two storey side extension forming part of the proposal would extend out over the driveway of No 74 and up to the shared boundary with No 76 Nicklaus road. It would match the ridge height of the host dwelling. This would present a tall, blank elevation to the rear facing rooms of No 76. The proposal would also infill the space between the rear elevation of No 74 and its existing detached garage with a single storey extension, linking the two. The height of the existing garage would be increased by the addition of a pitched roof. It would continue along the boundary over the link extension, joining into the main dwelling.
5. This would result in a continuous, solid band of development along a large part of the shared boundary with No 76. The height of the two storey extension forming part of this and its siting relative to No 76 would have a dominant

effect on its occupants when viewed from rear facing rooms. Although No 76 has a flat roofed garage sited along this boundary, the two storey element of the proposal would far exceed it in height. As a result, the garage would do little to mitigate the negative effect.

6. I note the appellant's comparison with other extensions in the area in support of the proposal, including that immediately to the rear of the appeal site on Silverstone Drive. I have limited information on how and when these came about and so can afford them only limited weight. In any case I have assessed this proposal on its own merits based on the evidence and policies before me, and the other developments referred to do not lead me to a different conclusion.
7. The single storey rear extension forming part of the proposal would project out some 4.2m from the rear of the host dwelling, along the shared boundary with No 72 Nicklaus Road. It would have a monopitch roof, sloping down from its highest point under the rear facing dormer windows. As noted in the planning officer's report, this boundary is formed by a high fence. Consequently, only a relatively small triangular section of the roof would be readily visible above the fence line to occupants of No 72. I consider that this would not have a detrimental effect on their outlook.
8. Furthermore, No 72 is situated to the south of No 74. Taking account of the path of the sun, I consider that the extension would not cause a significant loss of light to occupants of No 72.
9. Notwithstanding this, the harm I have identified to the living conditions of occupants of No 76 lead me to conclude that the proposal would be contrary to Policy PS10 of the adopted City of Leicester Local Plan 2006 (the Local Plan). It would also be contrary to the aims of the Residential Amenity Supplementary Planning Document 2008 (the SPD). Both are consistent with the policies of the National Planning Policy Framework (the Framework) insofar as they relate to providing a good standard of amenity for all existing and future occupiers of buildings.

Character and Appearance

10. The appeal dwelling, its connected neighbour (No72) and the adjacent pair of dormer bungalows are of similar design. No 72 and one of the other dwellings are of a slightly larger scale, having wider front elevations apparently resulting from similar extensions. When viewed from Nicklaus Road, the proposal would result in No 74 having a similar width of front elevation to its neighbour No 72. I consider that this would present a balanced appearance to Nicklaus Road and would not appear dominant to No74. A drop in ridge height and set back as suggested by the Councils SPD would make the dwelling appear out of character with the nearby dwellings to which it is most visually related, when viewed from Nicklaus Road. Consequently, in respect of character and appearance, I do not find that the proposal conflicts with Policy CS3 of the Leicester City Core Strategy 2010. Policy PS10 of the Local Plan does not refer to character and appearance and so I find no conflict with this policy either.

Other Matters

11. I note the appellants offer to amend the proposal. I have limited detail and no plans to show what form amendments could take. Consequently I cannot

make any assessment of the effect that they may have on the issues in dispute. Having previously made an application on the site, the appellant will be aware of the processes for pursuing alternative proposals with the Council.

Conclusion

12. Whilst the proposal does not have an adverse effect on the living conditions of occupants of No 72 or the character and appearance of the area, the harm to living conditions of occupiers of No 76 justifies the refusal of planning permission. In light of this and having regard to all other matters raised I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR