
Appeal Decision

Site visit made on 9 October 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 24 October 2017

Appeal Ref: APP/W2465/D/17/3180751
20 Wylam Close, Leicester, LE3 9BW.

- 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 Ms Tracy Barton against the decision of Leicester City Council.
 - The application Ref 20170794, dated 17 April 2017, was refused by notice dated 29 June 2017.
 - The development proposed is a single storey sitting room extension to the front of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the development upon the living conditions of the occupiers of 21 Wylam Close with particular regard to outlook.

Reasons

3. Wylam Close is a residential cul-de-sac forming part of a planned estate development of two storey properties sitting on rectangular plots with a common design theme of projecting and recessive elements.
4. The appeal scheme seeks the erection of a single storey, lean-to extension which would effectively infill the recessed area to the side of the projecting integral garage. The front building line, height and roof pitch of the extension would match that of the existing garage. However, as there is a staggered building line along Wylam Close, the extension would be sited forward of the neighbour to the east, No 21.
5. Rather than a loss of privacy or daylight, it is the loss of outlook to the occupiers of No 21 that is the issue. The Council's reason for refusal refers to Policy PS10 of the "*City of Leicester Local Plan 2006*" and Policy CS3 of the "*Leicester City Core Strategy 2010*". However, neither of these policies are concerned with the protection of outlook and therefore they are not directly relevant here. Appendix G of the Council's "*Residential Amenity Supplementary Planning Document 2008*" (the SPD) points out that there is no right to a view across third party land and states, amongst other things, that extensions should not spoil the outlook from the main windows of principle rooms and the gardens of neighbouring properties.

6. There is no dispute that the extension, which would project 3.1 metres from the existing front elevation, would be visible from the front living room window of No 21. In doing so, it would infringe upon a 45 degree splay line drawn from the centre of that window. This would be contrary to advice in the SPD.
7. The impact on No 21 would be exacerbated by the lack of outlook to the east. This would create a sense of being hemmed in by blank brick walls on both sides which would have an enclosing effect. Taking the above into account and notwithstanding that this is a built-up residential area where a degree of intrusion into views is almost inevitable, I conclude that the appeal scheme would appear as an overbearing addition to the occupiers of No 21.
8. I appreciate the appellant's view that it would have been possible to overcome these concerns if given the chance. However, that is a matter that can be taken forward at a later date and is not a material consideration to which I can attribute any degree of weight.
9. I therefore conclude that the proposed extension would be harmful to the living conditions of the occupiers of No 21 by virtue of a loss of outlook. The proposal thereby conflicts with advice in the SPD and the fourth bullet of paragraph 17 of the "*National Planning Policy Framework*" which seeks a good standard of amenity for all existing and future occupants of land and buildings.
10. For the reasons given above I conclude that the appeal should be dismissed.

D. M. Young

Inspector