
Appeal Decisions

Site visit made on 14 November 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 24th November 2017

Appeal Ref: APP/L2440/W/17/3181417
253 Aylestone Lane, Wigston LE18 1BE

- 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 Saghir Osman against the decision of Oadby & Wigston Borough Council.
 - The application Ref 17/00151/FUL, dated 23 March 2017, was refused by notice dated 21 July 2017.
 - The development proposed is double storey side extension, single storey rear extension, change of use from dwelling to flats x3.
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Decision

1. The appeal is allowed and planning permission is granted for double storey side extension, single storey rear extension, change of use from dwelling to flats x3 at 253 Aylestone Lane, Wigston LE18 1BE in accordance with the terms of the application, Ref 17/00151/FUL, dated 23 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg. MPD-PL-01.
 - 2) The access to the parking bays from the footway of the development hereby permitted shall hereafter be kept free of all obstructions.

Application for costs

2. An application for costs was made by Mr Saghir Osman against the decision of Oadby and Wigston Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The development before me appears to have been constructed. However, this has not influenced my reasoning.
4. The Committee report pertaining to this application alludes to the living conditions of future occupiers regarding amenity space. However, the decision notice does not refer to the living conditions of future occupiers. As such, I have not included any consideration of the amenity space for future occupiers in my reasoning.

Main Issues

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

Reasons

6. Number 253 Aylestone Lane (No 253) is a recently extended dwelling within a short series of modest detached dwellings on a cul de sac running parallel to Aylestone Lane. The development comprises the building of side and rear extensions to provide three self-contained units of accommodation.
7. The evidence before me indicates that the two-storey side extension has replaced a single storey attached garage. Although it fills in the gap between No 253 and its neighbour, the extension is set back from the front elevation and its ridgeline is lower than that of the host dwelling. As such it is subservient to the host dwelling. Although the extension introduces an element of inconsistency into the repeating pattern of the dwellings along this section of Aylestone Lane, I am satisfied that it does not detract from the underlying building pattern.
8. Furthermore, the evidence before me indicates that there is an extant permission for a dwelling with a similar side extension¹, which would be bulkier than the appeal before me. This represents a fall-back scheme and although not determinative to my reasoning in this regard, the extant permission reinforces my conclusion with regard to the effect of the extent of built form on the character and appearance of the area.
9. The Council has raised a concern in relation to the materials used for external surfaces. The facing brick is a little brighter and paler than that of the host dwelling, but falls within the same part of the colour spectrum. In any case, it is likely to weather a little over time and consequently I am satisfied that the materials used do not have a significant adverse effect on the character and appearance of the area.
10. The development has hardstanding between the footway and the front elevation which accommodates three cars. There was plenty of space for on-street parking at my visit and although I recognise that this is a snapshot in time, there is nothing in the evidence before me to indicate that there is significant on-street parking stress at other times. Furthermore, the highways authority has not raised any concerns in relation to the effect of the development on traffic generation, which reinforces my reasoning in this regard.
11. With regard to refuse bins, there is a side access gate and there is nothing before me to indicate why bins should not be stored at the side or rear of No 253.
12. On the basis of the evidence before me, I conclude that the intensification of use in relation to parking provision, refuse bin storage and the visual impact of the new brickwork would not be significantly out of character with the area.

¹ Ref 16/00489/FUL

13. In the light of the above, the development would not be contrary to Policies 14 and 15 of the Core Strategy² (CS) which taken together include requirements for development to respect local character and be sympathetic to its surroundings, and to protect and enhance local distinctiveness.

Conditions

13. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. As the development has already been carried out I have omitted the standard condition with regard to timescale. For the same reason I have also omitted the condition specifying external materials. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty in respect of the internal layout.
14. I have also imposed a condition requiring the frontage to be kept clear of obstructions to ensure the parking bays are unobstructed.
15. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

16. 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

² Borough of Oadby and Wigston, Oadby and Wigston Core Strategy, Development Plan Document, adopted September 2010