

Appeal Decision

Site visit made on 10 October 2018

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2018

Appeal Ref: APP/W2465/D/18/3208548

41 Kincaple Road, Rushey Mead, Leicester LE4 7YD

- 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 R Drew against the decision of Leicester City Council.
 - The application Ref 20180724, dated 29 March 2018, was refused by notice dated 4 July 2018.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 41 Kincaple Road, Rushey Mead, Leicester in accordance with the terms of the application, Ref 20180724, dated 29 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 1377/3/18.
 - 3) The materials used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing dwelling.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the residents of 52 Kincraig Road with regard to outlook.

Reasons

3. The reason for refusal relates to the impact of the proposal on the outlook of the residents of 52 Kincraig Road which is a mid-terrace property, the rear of which faces the gable of the appeal property. The Council's report suggests that the new separation distance would be 13.5 metres. The appellant has provided detailed measurements which suggest the distance would be between 14.12 and 14.26 metres. The neighbouring residents already face the existing gable. This would be brought 2.75 metres closer to their rear boundary. The gable would be 7.2 metres wide. The rear facing windows of the neighbouring property would continue to have an open outlook to both sides of the gable.
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4. The greater prominence of the gable, resulting from its position closer to the neighbouring property, would result in it being more imposing, particularly when in the rear garden of 52 Kincraig Road. It would marginally reduce the outlook from the rear windows, although the form of the development would remain the same. However, the new gable would remain a sufficient distance from the rear windows, beyond the rear garden fence and the intervening path, to ensure that the change in outlook would not unacceptably harm the outlook of those residents when within their house. The limited depth of the gable would ensure that there would remain clear views to either side. Whilst the gable would be more imposing when in the rear garden, it would not be unacceptably harmful.
5. The Council make reference to their Supplementary Planning Document: Residential Amenity 2008 (SPD). In outer areas, where this property is located, it includes an image with a note that advises that the distance from a principal window to a blank wall should be no less than 15 metres. A further note advises that reducing the distance is likely to reduce the overall amenity space and therefore this may be unacceptable. This proposal would not alter the amenity space associated with 52 Kincraig Road but the distance would be reduced below the suggested minimum.
6. The difference between the suggested minimum within the SPD and the distance proposed would be of very limited consequence given the actual outlook that would remain from the rear windows concerned. The living conditions of the adjacent residents would not be unacceptably harmed and in that respect, the proposal would not conflict with the objectives of the SPD. As the residents of 52 Kincraig Road would continue to have a satisfactory outlook, the proposal would not conflict with the amenity requirements of Policy PS10 of the City of Leicester Local Plan 2006. As the policy generally accords with the amenity requirements of the *National Planning Policy Framework 2018*, I afford it considerable weight.
7. I have considered the matters put forward by the Council, including their concerns with regard to the design which were not included within the reason for refusal. As the extension would follow the form of these terraced properties, would be in matching materials and would not close the gap between similar terraces, I consider that it would be in keeping with the character and appearance of the area. As I have not found there to be any matters that weigh significantly against the proposal, I allow the appeal.
8. I have imposed conditions with regard to the commencement of this extension and the details of the approved plans in the interests of certainty. I have also required that the materials match to ensure that it would have a satisfactory appearance.

Peter Eggleton

INSPECTOR