



Appeal Decision

Site visit made on 25 June 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/W2465/D/19/3226669

35 Welland Vale Road, Leicester LE5 6PX

- 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 Mrs Jameel against the decision of Leicester City Council.
 - The application Ref 20181614, dated 4 July 2018, was refused by notice dated 11 March 2019.
 - The development proposed is the erection of a double storey rear and side extensions, new roof and updated front entrance.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the submission of amended plans ref DSA-18018-PL-ALL-01-D, the Local Planning Authority (LPA) altered the description of proposed works to 'Increasing height of roof; new dormer at front; two storey extensions at front, side and rear of house (class C3); first floor extension at side; alterations.' This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the proposed development and have considered the appeal on this basis.
3. The LPA has confirmed that the amended plans ref DSA-18018-PL-ALL-01-D were used in the determination of the application. Therefore, I have considered the appeal based on the amended plans.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupants of No 37 Welland Vale Road, with particular regard to overshadowing.

Reasons

Character and appearance

5. The appeal site is located on the southern side of Welland Vale Road within a residential estate comprising a mix of house types, styles, sizes and designs. It

is in the middle of a short row of relatively modest mid-20th century detached bungalows which step down to the east with the slope of the land.

6. I acknowledge the appellant's desire to create a family home and the minimalist and contemporary approach in design and materials to mitigate the physical and visual impact of the building on the streetscene. However, cumulatively, the extensive increase in height, scale and massing of the building would cause it to be excessively prominent and dominant on the streetscene, particularly when viewed looking west along Welland Vale Road. Furthermore, the two storey front projecting gable with double height extruded window and large dormer window to the front pitch of the roof would introduce elements and design features which would be discordant and out of keeping with the adjacent properties.
7. Accordingly, I conclude the proposed development would cause harm to the character and appearance of the area. As such, it conflicts with policy CS3 in the Leicester City Council Core Strategy (2014) which, amongst other things, states that new development should achieve certain design objectives, including contributing positively to an area's character and appearance in terms of scale, height, density, layout, urban form, high quality architecture, massing and materials; and Section 12 - Achieving well-designed places, in the National Planning Policy Framework (Framework).

Living conditions of the occupants of No 37 Welland Vale Road

8. The LPA highlighted in its report that the proposed plans provided with the application were inaccurate. From what I observed at the time of my site visit I have no reason to disagree with this assessment. Taking into account the existing building lines, it is apparent that the proposed development would extend well beyond the rear building line of No 37 Welland Vale Road. Given the close proximity of the buildings and the slightly elevated position of No 35 Welland Vale Road this would cause some overshadowing and loss of light into a rear secondary bedroom window in No 37 Welland Vale Road. The appellant has included an amended plan within the appeal statement (Fig 1) that shows a revised location of No 37 Welland Vale Road which confirms this opinion.
9. Therefore, I conclude that the proposed development would cause harm to the living conditions of the occupants of No 37 Welland Vale Road with particular regard to overshadowing. As such, it conflicts with saved policy PS10 of the City of Leicester Local Plan (2006) which states that the amenity of existing or proposed residents will be taken into account in determining planning applications; Residential Amenity Supplementary Planning Document – Appendix G (2008) which provides practical guidance on how new residential development can protect the amenity of both new and existing residents; and Section 12 - Achieving well-designed places, in the Framework.

Other Matters

10. The appellant has pointed out an extension to the rear which is the full width of the property, 4m in depth and up to 4m in height could be erected without the need for planning permission. Be that as it may, in my judgement, while the effect on the living conditions of the occupants of No 37 Welland Vale Road may be similar, any such extension would not be as substantial as the totality of the of the proposed development before me now, and it would be unlikely to have such a harmful effect on the character and appearance of the area.

11. The appellant has drawn my attention to several other sites in the surrounding area where planning permission has been granted for extensions and alterations to properties which they assert have a similar or worse impact. I acknowledge the considerable alterations to No 33 Welland Vale Road. However, it is evident that the building still largely maintains the impression of a single storey bungalow to the front which allows it to remain in keeping with the adjacent properties. On this basis, the changes to No 33 Welland Vale Road do not justify the proposed development and identified harm. With regard to the other sites, I note the alterations to these properties, but consider that they are not directly comparable to the context of the appeal site and do not justify further harm. Furthermore, I do not know the full circumstances of any of these particular cases. I must determine this appeal on its own merits, and I have found harm.

Conclusion

12. For the reasons above and having considered all matters raised, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR