



Appeal Decision

Site visit made on 16 September 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/W2465/W/19/3228445

1 Plymouth Drive, Leicester LE5 5NN

- 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 Mansoor Ahmad against the decision of Leicester City Council.
 - The application Ref: 20190003, dated 1 January 2019, was refused by notice dated 9 April 2019.
 - The development proposed is for the proposed separation of existing annex from house number 1 to be formed independent house (house no. 1A). New site boundary wall separating the two houses.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are: 1) the effect of the proposed development on the living conditions of the occupiers of the proposed dwelling and the neighbouring properties; 2) the effect of the proposed development on the character and appearance of the street scene; and 3) the effect the proposed development would have on the safe and efficient operation of the highways network in the vicinity of the appeal site.

Reasons for the Recommendation - *First main issue*

4. Planning permission was granted in 2017 for the annexe which was to only be used in conjunction with no.1 Plymouth Drive. The space in the roof of the annex was limited to storage. The proposal would allow the annex to be occupied by an individual not connected to no.1 Plymouth Drive and includes the conversion of that roof space to be used as a bedroom and a porch to be constructed to the front of the annex. There would also be new fencing to separate the external areas of the two buildings. The existing first floor of the annexe does not relate to the plans submitted and has been split into 2 separate rooms on either side of the stairwell and a bathroom has been built between these two rooms. However, as the submitted plans show a different layout, I will proceed on the basis that planning permission is sought for that proposed scheme.

5. The rooms themselves are currently served by skylights and appeared to be well-lit with adequate daylight reaching most areas. Due to the angle of the roof and location of the skylight, the occupiers would not be overlooked by those using bedroom 2 of the host dwelling. The appellant notes that the window to that bedroom would be bricked up, which would protect the privacy of future occupiers. Nonetheless, due to the angle of the roof, it was only possible to stand up fully within the middle of each room and as a result only a small portion of the room would be usable space. Consequently, the first-floor bedroom would not provide a suitable living condition for the future occupiers.
6. Internally, the ground floor of the dwelling would not be physically altered but the proposals also include a new porch to the front of the annexe. Currently there is a direct view between the living room for both dwellings, nevertheless the appellant notes that the side living room window on the host dwelling would be bricked up and as a result this would protect the privacy of the future occupiers of both dwellings. However, the skylights to the rear of the annexe overlook the garden to no. 3 and the use of the first floor of the annexe as a habitable room would result in a loss of privacy for the occupiers of no. 3.
7. In addition, the porch would extend out and would intersect the 45-degree line when taken from the windows for the kitchen and lounge. The lounge window would have the porch on one side and the host dwelling on the opposite side and as a result the amount of daylight from this window would be considerably reduced. As such, the proposed porch would harm the outlook and the amount of daylight the future occupiers of the dwelling would receive.
8. The proposed dwelling would have approximately 23 square metres (sqm) of outside space, which would be located forward of the property and would encompass part of the existing driveway. The Residential Amenity Supplementary Planning Document (SPD) requires 1-bedroom properties to provide 50sqm of rear garden areas. The proposed development would firstly fail to provide any rear garden space and the outdoor space provided would be less than 50sqm. The outdoor space would be overlooked by the occupiers of no.1, the dwellings on the opposite side of the road as well as those passing the site. The proposed fence that would split the two dwellings would provide some privacy but because of the small depth of the proposed garden, the future occupiers outlook would be of the proposed fencing which would be unacceptable. Accordingly, the proposed development would provide amenity space that would be overlooked and would provide an unacceptable outlook and would not meet the minimum space standards set out in the SPD.
9. Due to the size and design of the proposed development, it would fail to provide acceptable living conditions for the future occupiers of the dwelling. The proposal would also result in the loss of privacy for both the future occupiers of the annexe as well as those in the neighbouring dwellings. Consequently, the proposed development would be contrary to Policy CS03 of the Leicester City Local Development Framework Core Strategy Adopted July 2014 (CS), Saved Policy PS10 of The City of Leicester Local Plan Saved Policies Version (LP) (2006), the Residential Amenity SPD and The National Planning Policy Framework (The Framework).

Second main issue

10. A number of dwellings in the street have porches and in principle a porch would not appear out of character in the street scene. Nevertheless, due to the size of

the porch, it would accommodate a third of the front elevation of the annexe and as a result would dominate the front elevation of the annexe and would not appear subservient to the host dwelling.

11. Currently, the annexe appears subservient to the host dwelling which is due to its size, the materials used and the shared driveway. Fencing off a part of the driveway to create a separate dwelling would appear contrived within the street scene. The dwellings along the street are typically two storey semi-detached and detached properties. The use of the single storey annexe as a separate dwelling would not follow the pattern of development in the street.
12. A common feature on the street is the low boundary walls and hedges set in front of relatively large front gardens. This contributes to the open suburban character of the street. The site is currently bounded by a brick wall with columns that are spaced evenly along the wall. The installation of the fence to separate the two dwellings would be set back behind this wall but would face the street and would reduce the amount of open space behind the main boundary wall. As a result, this would appear overbearing in the street scene.
13. Due to the size of the porch and the installation of the fence within the site the proposed development would harm the character and appearance of the street scene. Therefore, the proposal would be contrary to Policy CS03 of the CS, Saved Policy PS10 of the LP, the Residential Amenity SPD and The Framework.

Third main issue

14. The existing boundary wall includes columns that are spaced evenly along the wall. Due to the height of these columns they block the view when entering and exiting the site. The appellant intends to reduce the height of the wall to 1 metre by removing these columns. This would improve the visibility displays in both directions from the driveway for each dwelling. This would make the entering and exiting the site safer for all users. Consequently, the proposed development would not have an unacceptable impact on the safe and efficient operation of the highways network in the vicinity of the site and would be in accordance with Policy CS03 of the Core Strategy and the Saved Policies AM01 and PS10 of the LP, the Residential Amenity SPD and The Framework.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR