



Appeal Decision

Site visit made on 5 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 DECEMBER 2019

Appeal Ref: APP/W2465/W/19/3234664
47 Romway Road, Leicester LE5 5SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Bativala against Leicester City Council.
 - The application Ref 20191100, is dated 7 June 2019.
 - The development proposed is front porch extension, bay window alteration, roof alterations and conversion.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. After the appeal was lodged, the Council produced a delegated report setting out the grounds on which it would have refused planning permission if it had been in a position to determine the planning application. It is clear from the report that the Council's principal concerns relate to the effect of the proposal on the character and appearance of the area. This has been influential in me defining the main issue.
3. The design of the proposal was amended during the planning application process in an attempt to overcome the Council's concerns. The Council's delegated report states that their assessment is based on drawing ref TA-PA1b. However, the appellant's submission includes subsequent drawings refs TA-PA01b and TA-PA02a labelled as having been submitted during the decision process. I have nothing before me to dispute this and I have therefore considered the appeal on the basis of the latest drawings.
4. There is an anomaly in the drawings as the roof over the central extension to the hallway and first floor landing is not shown on the proposed east elevation. Given I am dismissing the appeal, I have not sought rectification of this matter at this late stage.
5. The Council cites conflict with Policy CS08 (Existing neighbourhoods) of the Leicester Core Strategy (2014) (the CS) in their report. A copy of this policy did not form part of the Council's original appeal submission but the appellant and I have since been provided with a copy. Given this policy does not principally relate to matters of character and appearance it has not proved determinative in my assessment in this particular instance. I have therefore not sought the further views of the appellant.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is located within a residential area characterised by mainly two-storey detached and semi-detached dwellings of traditional design. Roof forms are generally hipped and it is common for the front elevations of dwellings in the area to incorporate curved bays. No 47 is a corner property and whilst it has previously been extended, it retains hipped roof slopes and curved bay window features, consistent with the prevailing character on Romway Road.
8. The smaller, subservient hipped roofs currently viewed to the east facing side elevation would be replaced with a composite hipped roof with a ridge sitting closer to the main ridge of the dwelling. This would increase the bulk of the dwelling and reduce the subservience of the roof form particularly when viewed from Byway Road. The squaring off one of the feature curved bays and the provision of a predominantly glazed central extension, incorporating a further gabled roof, would clutter and unbalance the front elevation. In particular, the contemporary design of the central element would visually compete with the original forwardmost bay window and would be at odds with the traditional characteristics of the dwelling.
9. Even had I considered the appeal on the basis of the earlier drawing referred to in the Council's report, I would have reached a similar conclusion given the glazed central element, squaring off of one of the curved bays and increase in bulk as a result of a composite roof still formed an integral part of the proposals.
10. To conclude, the increase in the bulk of the dwelling and the variety of architectural elements to the front elevation would have a detrimental impact on the appearance of the host dwelling and would have a harmful effect on the character and appearance of the area. Consequently, in that regard, the proposal would be contrary to Policy CS03 (Designing Quality Places) of the CS.
11. The proposal would also conflict with Paragraph 130 of the National Planning Policy Framework which states that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and appearance of an area and the way it functions.

Other Matter

12. The Council's delegated report also refers to conflict with saved Policy PS10 (Residential Amenity and New Development) of the City of Leicester Local Plan (2006). This policy principally relates to factors concerning the amenity of existing or proposed residents. The Council has not identified any potential detrimental impacts on living conditions. From the evidence before me and what I saw on site, I find no reason to conclude differently. Whilst I have not found specific conflict with this policy, this does not override the harm identified under the main issue.
13. The appellant suggests that the proposal would resolve leaking issues with the current roof structure and would also better utilise volume within the roof

space. However, I am not persuaded that the proposals are the only solution to leaking issues. Whilst the development would provide additional accommodation within the roof slopes, the harm identified to the character and appearance of the area is a significant and overriding factor which is decisive in this case.

14. Any suggestion that the Council has not proactively engaged with the appellant is not a matter for me to assess for an appeal made under s78 of the Act.

Conclusion

15. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR