



Appeal Decision

Site visit made on 18 March 2020

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 26 March 2020

Appeal Ref: APP/W2465/W/19/3230188 185 Kitchener Road, Leicester LE5 4FR

- 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 M Panchbhaya against Leicester City Council.
 - The application Ref 20190395, is dated 27 February 2019.
 - The development proposed is a hip to gable roof alteration, construction of a two storey extension to side and rear, first floor rear extension and dormer extension at rear of house.
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Decision

1. The appeal is allowed and planning permission is granted for a hip to gable roof alteration, construction of a two storey extension to the side and rear, a first floor rear extension and a dormer extension at the rear of the house at 185 Kitchener Road, Leicester LE5 4FR in accordance with the terms of the application, Ref 20190395, dated 27 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 KIT; 003 KIT; 004 KIT; 005 KIT; 007 KIT; 008 KIT; 011 KIT; and 012 KIT.
 - 3) The materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted shall match those used in the existing building.

Procedural Matters and Main Issues

2. Following the submission of the appeal against non-determination, the Council issued a report under its delegated powers setting out its assessment of the proposed development. Although the Consideration section of the report has been written to substantiate a recommendation for approval, the front page of the report contains a recommendation for refusal, which one of the two putative reasons for refusal provides the justification for. The Council has confirmed that this represents its position on the proposal.
3. Accordingly, I have determined the appeal on this basis. Therefore, the main issue for consideration in this case is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons

Character and Appearance

4. The appeal property is one of a pair of semi-detached dwellings, located on the north-west side of Kitchener Road. The street is characterised by two-storey, semi-detached housing of similar design and proportions. On the side of the appeal site, roofs are hipped, except where they have been altered; on the opposite side of Kitchener Road, roofs are finished with gable ends. Overall, the consistent design, proportions and spacing of buildings in Kitchener Road lends the street scene a relatively uniform character and appearance.
5. The proposed development would turn the hipped roof on the appeal property into a gabled ended roof. Although hipped roofs predominate on this side of Kitchener Road, there are other gabled roofs within the street. The proposed roof extension would follow the ridge line and angle of pitch of the existing roof, align with the side elevation and be finished in matching tiles, which could be secured by condition. Therefore, the proposed roof alteration would not appear out of place on the existing dwelling or within the street scene.
6. The proposed rear dormer would take up a large proportion of the roof slope, but would sit below the ridge line and be set in from the side elevation. As such it would be subservient to the existing roof and not excessive in scale. Most of the dormer would also be out of site from the street, hidden behind the gable ended roof, with only the cheek visible in the gap between the appeal property and 187 Kitchener Road. Whilst it would be prominent from the gardens of surrounding properties at the rear, there are rear dormers on other houses along the street. It would also be finished in materials to match the existing roof, which could be secured by condition. On this basis, the proposed dormer would not be unduly disruptive to the existing roofscape or appear visually dominant within the surrounding area.
7. The proposed two-storey side and first floor rear extension would extend across to the side boundary with no. 187. However, it would be set well back from the front wall of the house, retaining the space between the appeal property and no. 187 within the street frontage. It would also extend around 4 metres (m) from the rear elevation, to the depth of the existing single storey rear extension, with a gabled roof which would sit well below the ridge of the main roof. Although the flank wall along the boundary with no. 187 would be around 6.4m in length, due to the reduced height of the roof and the limited view of this elevation within the gap, it would not appear excessive. As such the scale and proportions of the side and rear extension would respect and be subservient to those of the existing house.
8. I was referred to extensions at 177 and 179 Kitchener Road in support of the appeal proposal. However, it is a core principle of the planning system that each application is determined on its own merits, which I have done in this case.
9. Overall, therefore, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the host dwelling and the surrounding area. It would meet the urban design objectives of Policy CS03 of the Leicester City Core Strategy (2010), contributing to the character and appearance of the area in terms of its urban form, massing and materials. Consequently it would satisfy paragraph 127c) of the National Planning Policy Framework (the Framework), which seeks to ensure developments are sympathetic to local character.

Other Matters

10. There are no windows proposed in the side elevations of the extensions at first floor level. Combined with the separation distance between the proposed rear facing windows and the backs of the properties on Jellicoe Road, this would avoid any loss of privacy for the occupiers of surrounding properties. Although the side and rear extension would breach a 45 degree angle of view from the nearest first floor window at the rear of no. 187, it is an obscure glazed bathroom window, so there would be little effect on the quality of its outlook. There would also be no effect on outlook or daylight to the ground floor windows in the single storey rear extensions to nos. 183 and 187. Accordingly, the proposal would comply with saved Policy PS10 of the City of Leicester Local Plan (2006) and meet with the expectations of paragraph 127f) of the Framework in respect of standards of amenity for existing residents.

Conditions

11. I have considered which conditions are required, having regard to the Planning Practice Guidance. It is necessary to set a time limit for the implementation of the permission in accordance with the requirements of the Act. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition is also necessary to require the external materials on the extension to match those of the existing house in order to respect the appearance of the host property and the street.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions specified.

M Hayden

INSPECTOR