



Appeal Decision

Site visit made on 24 February 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2020

Appeal Ref: APP/W2465/D/19/3241495

32 Heacham Drive, Leicester, LE4 0LF

- 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 Christian Browne against the decision of Leicester City Council.
 - The application Ref 20191529, dated 13 August 2019, was refused by notice dated 4 November 2019.
 - The development proposed is a single storey side and rear extension to existing property.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension to existing property at 32 Heacham Drive, Leicester, LE4 0LF in accordance with the terms of the application 20191529, dated 13 August 2019, subject to these conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans Sections and Elevations drawing no. 1901-A-PR-AL-01-L3 revision L3.

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.

Procedural Matter

3. I note there is a discrepancy between the applicant's name on the application form, and the appellant's name on the appeal form and in the appeal statement. The appellant has clarified that the name shown on the appeal form, Mr Christian Browne, is the correct name.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site comprises a two-storey semi-detached dwelling located in Heacham Drive, Leicester. The street is comprised of semi-detached properties, built to a similar design, some of which have been previously extended. The proposed development would see the erection of a single-storey side and rear extension with a flat roof concealed by a parapet. The front elevation of the extension would be constructed in brick to match the existing while the rear would be clad in timber.
6. Policy CS3 of the Leicester City Core Strategy (2014) (CS) requires new developments to be of a high quality design and to contribute positively to the character and appearance of an area. Guidance in Appendix G of the Supplementary Planning Document – Residential Amenity (2008) (SPD) states that flat roofed extensions may be acceptable to the rear of properties, if they are not visible from the street and that side extensions should be set back from the front of the existing house.
7. There are numerous properties in Heacham Drive that have one or two-storey side extensions or garages that have flat roofs, including properties either side of No 32. A large number of these existing extensions are not set back from the front elevations of the host properties. As a result, flat roofed extensions that are not set back from the front elevation are a distinctive element of the character of the street. While I acknowledge that the proposed extension would conflict with the guidance in Appendix G of the SPD, which as set out above seeks to avoid flat roofs, the proposed extension would be in keeping with the character of the street scene.
8. I note that the proposed front window in the extension would not be aligned centrally within the extension. Nevertheless, the proposal represents a small scale development and in the context of the wider street scene this element of the proposal would not have a significantly harmful effect. I also note the Council's concern that matching materials would not be used throughout the development. However, due to the elevated position of the neighbouring property the side elevation would not be unduly prominent in the street scene. Similarly, while the rear elevation would be visible from properties to the rear, it would not be readily visible from public vantage points. Accordingly, these matters would not cause significant harm to the appearance of the appeal property or character of the area.
9. For these reasons, the proposed extension would not detract from the character or appearance of the street scene and surrounding area. As such the proposal would accord with Policy CS3 of the CS and Policy PS10 of the City of Leicester Local Plan (2006), which seeks to protect the visual quality of an area.

Conditions

10. I recommend the standard time limit condition and a condition specifying the approved plans to provide certainty and in the interests of proper planning.
11. I have taken into account the Council's suggested condition, in the event of the appeal being allowed, that a land contamination assessment is carried out prior to the commencement of development in accordance with an agreed scheme. I understand that the site is within 250m of a landfill site which may pose a risk in terms of landfill gas. However, the site lies in an already heavily built-up environment where many of the properties have been extended. Despite that

there is no evidence before me of any contamination in the area, or evidence of a risk that would be posed to this particular development. On that basis the condition is not reasonable or necessary to make the development acceptable in planning terms and accordingly would not meet the tests for conditions set out in the Planning Practice Guidance.

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and planning permission is granted subject to the conditions above.

S Ashworth

INSPECTOR