
Appeal Decision

Site visit made on 11 June 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2020

Appeal Ref: APP/W2465/W/20/3246484
13 Strensell Road, Leicester LE2 9FT

- 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 A Khan against Leicester City Council.
 - The application Ref 20192103 is dated 25 October 2019.
 - The development proposed is roof alterations and loft conversion; two-storey side and rear extension; single-storey front and rear extension and internal alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for roof alterations and loft conversion; two-storey side and rear extension; single-storey front and rear extensions and internal alterations, at 13 Strensell Road, Leicester LE2 9FT, in accordance with the terms of the application Ref 20192103, dated 25 October 2019, and subject to the following conditions:
 - 1) The development hereby approved shall be completed in accordance with the amended plan Ref A1-002a.
 - 2) The materials used on the external elevations and roof shall match those of the existing dwelling.
 - 3) The cheeks of the approved dormer window shall be constructed of materials to match the existing roof.

Procedural Matters

2. The appellant submitted an amended plan to the Council during the planning application process, Ref A1-002a, the key changes being i) the front porch was reduced a little in width and ii) the height of the roof of the rear dormer was increased a little, making it the same height as the proposed main roof ridge height. I have made my decision based on the amended plans.
3. I observed during my site visit that works on site are at an advanced stage. I have made my decision on this basis.
4. The Council's appeal submission concludes that it would have been minded to approve the proposal if it had determined the application. I have taken account of the Council's views in reaching my decision.

Main Issues

5. Having regard to the issues raised by third parties, the main issues are the effect of the proposal on i) the character and appearance of the area and ii) the living conditions of existing neighbouring occupiers.

Reasons

Character and appearance

6. The appeal site comprises an end of terrace, two-storey dwelling located in a residential area characterised by short rows of two-storey, terraced dwellings with gardens/driveways to the front and gardens to the rear.
7. I consider that the alterations to the roof would disrupt the roofscape of the terrace and the extensions to the rear would introduce a substantial mass of built form into the rear garden.
8. The Council acknowledge that the development would result in the footprint of the original property being almost doubled, that the extensions would render the original property to be subservient to them and that the extent of rear garden space would be significantly reduced. I note that the Council considers the extensions to the rear would be barely visible from public vantage points. However, I consider that the roof alterations, rear dormer and side/rear extensions would be clearly visible from the rear of many properties on both Strensell Road and Ambleside Drive.
9. In light of the above, I conclude that, due to the design of the roof alterations, the disproportionate scale of extensions, the resultant mass to the rear of the property and significant reduction in rear garden size, the development would have a detrimental effect on the character and appearance of the area. As such the development does not accord with Policy CS 3 of the Leicester City Local Development Framework Core Strategy (2014) or paragraph 127 of the National Planning Policy Framework (the Framework), which collectively require development to be sympathetic, and contribute positively, to the local character.

Living conditions

10. With regards to the immediate neighbouring properties either side of the site, I acknowledge that there is a small outbuilding in the rear garden of 11 Strensell Road. However, the extensions would rise above this and extend well beyond it. The single-storey rear extension abuts the boundary with 15 Strensell Road and the rear dormer extension would be close to it. I consider the totality of the extensions to the roof, side and rear to have an overbearing impact on the rear gardens of Nos 11 and 15. I therefore conclude that the development would erode the living conditions of existing occupiers of these properties. As such the proposal does not accord with saved Policy PS 10 of the City of Leicester Local Plan (2006) or paragraph 127 of the Framework, which seek to ensure that development provides a high-quality living environment for existing and future occupiers.

Other considerations

11. Notwithstanding my conclusions above, planning legislation requires me to determine the appeal in accordance with the development plan, unless material

considerations indicate otherwise.¹ The Council has already granted planning permission for alterations and extensions the property, under application Ref 20190606, which are very similar to the scheme before me. As that permission is extant, I consider it to be a fallback that is a material consideration. Should the appeal be dismissed, I have no reason to doubt that the appellant would not implement permission 20290606. In addition, the current scheme is not materially worse than the approved scheme. Consequently, I attach substantial weight to the fallback; and it is for this reason that I am allowing the appeal, contrary to the development plan.

Conclusion

12. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR

¹ Planning and Compulsory Purchase Act 2004, s38(6).