



Appeal Decision

Site visit made on 22 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Appeal Ref: APP/W2465/W/D/20/3247262
128 Kingsway Road, Leicester LE5 5TT

- 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 and Mrs Patel against the decision of Leicester City Council.
 - The application Ref 20190998, dated 27 May 2019, was refused by notice dated 2 September 2019.
 - The development proposed is single storey front extension, two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development includes a single storey forward extension and a two-storey side and rear extension. The reasons for refusal on the Council's decision notice indicate that the two-storey side and rear extension is the matter in dispute. I have no reason to disagree with the Council's conclusion that the rest of the proposed development is acceptable in planning terms. My reasoning below therefore relates to the side and rear extension.

Main Issues

3. The main issues are the effect of the proposed development upon the character and appearance of the area and the effect of the proposal upon the living conditions of the occupiers of 126 Kingsway Road with specific regard to light and outlook.

Reasons

Character and appearance

4. The appeal site comprises a two-storey detached dwelling located within a relatively modern housing estate. The property has a gable roof design with a side garage set back from the front wall of the house.
5. Neighbouring dwellings despite some differences including forward garages and single storey extensions are in general harmony with each other in terms of their character and appearance. Meaningful gaps between properties and a staggered building line provides a sense of openness.

6. I acknowledge that the first floor of the side extension would be set back from the front wall of the host property. However, the high eaves and the ridge height proposed would result in visual confusion with the proposal being neither fully uniform nor clearly subordinate. This would be at odds with the character of the property. The combination of the side and rear extension and its significant scale would unduly dominate the dwelling adversely affecting its character and appearance.
7. As such the proposed development would result in unduly incongruous and dominant additions to the host property significantly at odds with the relatively spacious and harmonious appearance of properties either side and adversely affecting the character and appearance of the area.
8. The proposed extension would therefore conflict with Policy CS03 of the Leicester City Core Strategy (2014) which, amongst other things, requires new development to contribute positively to an area's character and appearance in terms of scale, high quality architecture and massing. It would also not accord with the Council's Residential Amenity Supplementary Planning Document (SPD) which, amongst other things, seeks to ensure that side extensions do not dominate the house.
9. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which, amongst other things, states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and appearance of an area.
10. I note the presence of other extended properties in the area including next door. However, I have not been made aware of the individual circumstances that led to them being considered acceptable by the Council. In any case, every appeal must be considered on its own merits. The presence of other extensions in the area does not justify the harm that I have identified.

Living conditions

11. Whilst the back of the host property and neighbouring ones are south facing and notwithstanding the height of the boundary fence, the proposed development would breach the 45-degree line taken from the nearest ground floor window at No 126, which has not been extended to the rear. The proposed development would conflict with the Council's SPD.
12. Notwithstanding the absence of windows and doors in the side elevation of No 126, the proposed extension due to its position along the boundary and its depth and height would form an overbearing feature creating a sense of enclosure that would have a significant adverse impact on the living conditions of the occupiers of this property by virtue of loss of daylight and outlook.
13. I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 126 with particular regard to outlook and daylight. The proposed development would therefore conflict with Policy PS10 of the City of Leicester Local Plan (2006) which, amongst other things, requires new development to take account of the residential amenity of existing residents including in respect of light. It would also be contrary to paragraph 130 of the Framework.

Conclusion

14. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR