



Appeal Decision

Site visit made on 9 November 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/L2440/D/20/3258367

65 West Avenue, Wigston, Leicester, Leicestershire, LE18 2FD

- 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 Shailesh Dharnidhar against the decision of Oadby & Wigston Borough Council.
 - The application Ref 20/00191/FUL, dated 13 May 2020, was refused by notice dated 30 July 2020.
 - The development proposed is a single storey ground floor extension of living room, porch and toilet at front and kitchen/dining at rear.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor extension of living room, porch and toilet at front and kitchen/dining at rear at 65 West Avenue, Wigston, Leicester, Leicestershire, LE18 2FD in accordance with the terms of the application ref: 20/00191/FUL, dated 13 May 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Existing Ground and First Floor Plans and Existing & Proposed Elevations drawing no. SD/01 and Existing and Proposed Front and Proposed Elevations drawing no. SD/02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building

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.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring properties, with particular regard to light and visual impact.
-

Reasons for the Recommendation

4. The appeal site comprises a semi-detached, two-storey dwelling with an existing two-storey and single-storey rear extension, front porch and a covered walkway to the side. Planning permission has been granted to replace the porch with a single-storey front extension¹. The proposed development would see the erection of a further single-storey rear extension and to replace the porch with a larger single-storey front extension than was previously approved.
5. Paragraph 3.45 of the Residential Development Supplementary Planning Document (April 2019) (SPD) states that extensions can cut out sunlight and daylight to a neighbouring property or can have an overbearing and dominant impact on the neighbour. It goes on to say that residential extensions should not breach a 45-degree line drawn from the centre of the nearest window to a habitable room on a neighbouring property, although extensions along a shared boundary will be allowed to project to a maximum of 3.5m.
6. The proposed single-storey rear extension would project beyond the existing extensions such that, cumulatively, the extensions would be some 5.9m in length. As such, the extension would clearly breach the 45-degree line from the nearest windows at both Nos 63 and 67. However, the extension would be set in from the shared boundaries with Nos 63 and 67, the ridge line of the roof of the extension would be set well away from these boundaries and the eaves would be of a limited height above the boundary fencing. As a result, while the proposed extension would be seen from Nos 63 and 67 and would breach the 45-degree rule, the proposal would not cause any significant harm by way of an overbearing or enclosing impact on the occupiers these properties.
7. From all I have seen and read, it seems unlikely to me that the proposal would have a significant impact on direct sunlight received in the neighbouring houses because of the orientation of the properties. Whilst there may be some loss of general daylight I am unconvinced this would cause significant harm to the living conditions of the neighbouring occupiers.
8. Therefore, for the reasons given above, the proposed rear extension would not cause harm to the living conditions of the occupiers of the neighbouring properties at 63 and 67 West Avenue. Consequently, the proposal would accord with Policy 6 of the Borough of Oadby and Wigston Local Plan (adopted April 2019) (LP) and the SPD which both seek, amongst other things, to protect the living conditions of the occupiers of neighbouring properties.
9. No objection has been raised by the Council to the proposed front extension in terms of its effects on the living conditions of the neighbouring residents and I have no reason to disagree.
10. Concern is expressed within the officer report about the appearance of the front extension and its visual impact on the symmetry of the pair of properties although this is not referred to in the reasons for refusal. Given the set back of the property from the road, the limited projection of the extension and the fact that it would be constructed in matching brickwork it seems to me that the front extension would not have a significant impact on the visual appearance of the property or the street scene.

¹ Planning application ref. 19/00053/FUL

11. On that basis this element of the proposal would be consistent with the requirements of Policies 6 of the LP as set out above and Policy 44, which require development to reflect the prevailing local character and are sympathetic to their surroundings.
12. The Council has suggested conditions in the event of the appeal being allowed. In order to provide certainty and in the interests of proper planning it is necessary to impose the standard time limit and specify the approved plans. In the interests of the character and appearance of the area a condition specifying that matching materials is used is also necessary.

Conclusion

13. For the reasons given above and having had regard to all other matters raised, I therefore 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

14. 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