
Appeal Decision

Site visit made on 20 October 2020

by M Shrigley BSc (Hons) MPlan MRTPI

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

Decision date: 11th December 2020

Appeal Ref: APP/W2465/D/20/3251015

58 Matlock Street, Leicester LE2 0GR

- 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 N Shaikh against the decision of Leicester City Council.
 - The application Ref 20200302, dated 13 February 2020, was refused by notice dated 28 April.
 - The development proposed is a loft conversion with rear dormer and alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's Decision Notice refers to Chatsworth 'Road' instead of 'Street' I have corrected this in setting out the main issues of the case.

Main Issues

3. The main issues are the effect of the development on: (i) the character and appearance of the host dwelling and surrounding area; and (ii) the living conditions of occupiers at 54-60 Matlock Street, 49 Harlington Road and Flats 1 and 2 at 56A Chatsworth Street having regard to daylight, sunlight and outlook.

Reasons

Character and appearance

4. The host dwelling is a back of footpath terraced property. The character of the area largely comprises of terraced housing featuring regularly spaced part two storey, part single storey pitched roof rear gable outriggers. Properties have small backyards separated adjoining other lines of terraces similar in appearance. Roof slopes in the area are noticeably uncluttered. The traditional uncluttered roof slopes of the terraces is an attractive feature of the area.
5. The addition of the 'L' shaped dormer would significantly alter the rear roof profile of the dwelling because of its position, size and bulk. It would be possible to view the proposed change from Chatsworth Street because of the gap where backs of two separate rows of terraces meet. The flat roof design of the dormer along with its bulk and mass would eradicate the simple uncluttered pitched roof design of the host dwelling which is a shared characteristic of most of the other terraced dwellings in the vicinity.
6. Although matching facing materials are proposed the resultant change in the profile of the roof would be unsympathetic to the distinctive character of the

simple uncluttered terraced roof slopes prevalent in the area. As a result, the impact would be damaging to local character.

7. The development would be harmful to the character and appearance of the host property and local area. The development would conflict with Policy CS03 of the Leicester City Local Development Framework Core Strategy (CS); saved Policy PS10 of The City of Leicester Local Plan (LLP) (2006); as well as the Residential Amenity Supplementary Planning Document (SPD) (2008) which all seek to secure good design; and that the character and identity of the area is respected. It would also conflict with paragraphs 127 and 130 of the National Planning Policy Framework which seek to encourage attractive development that is sympathetic to local character; and to avoid poor design.
8. I appreciate that the appellant points to three other dormer schemes permitted in the vicinity. However, I do not have the full background details to those planning applications therefore I attribute little weight to them. Moreover, the Council suggest that the dormer at the rear at no.34 Matlock Street has not been implemented in accordance with the approved plans.

Living conditions

9. The height and overall bulk of the dormer would result in a tunnelling effect in its relationship with No 60 and 54 Matlock Street either side. The effect would be exacerbated by the fact that the properties have small, and in parts very narrow, backyards which largely comprise of the recessed areas between the two storey gable projections of each property.
10. There are windows serving No 60 which would be overshadowed by the dormer facing towards the shared boundary. The size and bulk of the dormer would also result in an oppressive impact because of the limited separation space evident. The oppressive effect would be apparent both from the perspective of the windows but also when adjoining occupants are using their outdoor space either side.
11. No.49 Hartington Road and Flats 1 and 2 at 56A Chatsworth Road are situated to the rear of the appeal property. The Council's Residential Amenity SPD does states principal room windows should not be within 15m of a facing blank wall and that two storey extensions should not be within 11m of neighbouring residential gardens. I accept that this is a densely populated terraced location where there are no gardens and the guidance mentioned does not specifically relate to dormers but nevertheless it provides a useful marker to gauge the effect of the development.
12. Because the maximum ridge height of the terrace would not be exceeded daylight and sunlight levels enjoyed by the flats are unlikely to be materially affected. However, the dormer would still appear unduly intrusive given the lack of substantial physical separation involved relative to the height and mass of the dormer. I note that the Council's Decision Notice refers to 56 Matlock Street but the property has an intervening outrigger blocking the effect of the proposal and therefore the development would not harm living conditions.
13. Accordingly, I find that the development would have a harmful impact to neighbouring living conditions of neighbouring occupiers. The development would conflict with Policy CS03 of the CSS; Policy PS10 of the LLP; the aims of the Residential Amenity SPD which seek: that development responds positively

to its surroundings; that regard is paid to overshadowing of neighbouring occupants; and that residential amenity is protected. It also conflicts with Paragraph 127 of the Framework which supports decisions that encourage welcoming places to live.

Other Matters

14. The appellant considers that part of the proposed extension could be implemented with the benefit of permitted development rights. However, there are no details of what this might entail nor that there is a realistic possibility of such a scheme being implemented. Added to which there is no evidence to suggest that such a notional fallback scheme would have similar or more harmful effects than the proposal before me. This does not, therefore, lead me to a different decision.

Conclusion

15. For the reasons given above the appeal is dismissed.

M Shrigley

INSPECTOR