



Appeal Decision

Site visit made on 4 January 2021

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/W2465/W/ 20/ 3260329
89 Aylestone Road, Leicester LE2 7LN

- 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 Nadarajah against Leicester City Council.
 - The application Ref 20201174, is dated 1 July 2020.
 - The development proposed is two and single storey rear extension to property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The statement submitted by the Council indicates that had it been in a position to determine the planning application, it would have refused planning permission on the grounds of the impact on the character and appearance of the area and on living conditions.
3. As part of the appeal the appellant has submitted a revised plan which includes amendments to the internal layout of the scheme and the external appearance. However, the appeal process is not the place to evolve a scheme and as interested parties were not consulted on the revised plan I have determined the appeal using the plans that were considered by the Council and which the views of interested parties have been sought.

Main Issues

4. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of the neighbouring residents at No 91 Aylestone Road and the occupants of the new development.

Reasons

Character and Appearance

5. The appeal site is an end of terrace house on the corner of Hazel Street and Aylestone Road. The front of the property faces onto Aylestone Road and operates as a newsagent, and is adjacent to No 91, a café. They form part of the Aylestone Road/ Hazel Road local shopping centre.

6. The side of the building, facing onto Hazel Street is more residential in character and has windows with stone sills and lintels along with decorative string course running the length of the building. The proposed extension would lack any continuation of these design features. A new window is proposed but the plans do not identify a stone sill or lintel to match the existing. Similarly, there would be no extension to the string course.
7. Even if the design features could be addressed through an appropriately worded planning condition and acknowledging any rendering that may be permissible under permitted development rights, the extension would not integrate well with the existing building. It would appear as an incongruous adjunct, the impact of which would be exacerbated by the absence of any set back of the extension from the main side wall.
8. The proposal would harm the character and appearance of the area and as such would conflict with the part of Policy CS03 of the Leicester City Core Strategy which expects high quality, well designed developments that contribute positively to the character and appearance of the built environment.

Living Conditions

9. The proposed new kitchen of the ground floor flat would have no windows. It is reasonable to assume that occupants would spend time in the kitchen of the flat. The absence of almost any natural daylight to the kitchen would create unsatisfactory living conditions for the occupants.
10. The development would take place in the yard of No 89, significantly reducing the already limited space. What would remain would be a narrow corridor of space of limited usable value, even if the total floorspace area met the technical space requirements outlined in the Council's Residential Amenity Supplementary Planning Document. This would consequently be harmful to living conditions.
11. With regards neighbouring occupants, the scale, height and overall massing of the scheme would impact negatively on living conditions. This is because of the proposed proximity of the development to the boundary which would have an overbearing impact and negatively affect outlook and light.
12. The appellant has submitted photographs purportedly demonstrating that the upper floor of No 91 forms part of the shop. The content of the images is not comprehensive and does not demonstrate that the upper floor of the neighbouring property is not or could be used for residential purposes. I consequently give this limited weight.
13. The scheme would harm the living conditions of future occupants of the development and the occupants of No 91. It would consequently conflict with saved Policy PS10 of the City of Leicester Local Plan (Local Plan) which among other things, seeks to ensure residents are provided with a quality living environment and the amenity of existing and proposed residents are taken into account, including light and overshadowing. The development would also conflict with the part of Policy H07 which supports new flats and the conversion of existing buildings to flats where the proposal is satisfactory in respect of the creation of an acceptable living environment. It also includes reference to the provision where practicable of a garden or communal open space.

Conclusion

14. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR