



Appeal Decision

Site Visit made on 27 April 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2021

Appeal Ref: APP/W2465/W/20/3255598

246 St. Saviours Road, Leicester LE5 3SH

- 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 Aktar Husein Alaracu against Leicester City Council.
 - The application Ref 20200244 is dated 6 February 2020.
 - The development proposed is a single storey rear extension following demolition of store.
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Decision

1. The appeal is dismissed and planning permission for a single storey rear extension following demolition of store is refused.

Preliminary Matters

2. The appellant submitted the appeal on 7 July 2020. Shortly after, on 24 July, the Council produced an officer report. This recommended the application be approved, but refers to amended plans received on 14 July which show the extension being no wider than the existing outrigger. The plans submitted with the appeal show the extension wider than the existing outrigger and are those which were originally submitted with the application. My decision is based on these plans and the amended plans provided to the Council are not for me to consider. Consequently, the Council's report, which does not constitute a formal decision, has little bearing on my decision.

Main Issues

3. In my view the main issues are the effect of the extension on the living conditions of neighbouring occupiers, and its effect on the character and appearance of the area which is within the Spinney Hill Park Conservation Area.

Reasons

Living conditions

4. The property is a narrow mid-terraced house with a two-storey outrigger. Its rear garden comprises a narrow section alongside the outrigger and a wider section beyond. The property forms a mirror image with No. 248; its outrigger faces that at the appeal site and it has a similarly sized and shaped rear garden. There is a fence, around 2m high on the common boundary, followed by a shorter wall towards the rear of the gardens.
5. The extension, according to the plans, would be a little over 4m wide and would be about 1.4m wider than the existing outrigger. This would leave little space between the extension and the boundary with No. 248. It would measure

nearly 2.5m to its eaves, over 4m to its ridge and would extend up to the rear boundary.

6. There are a number of ground floor windows on the side of No. 248's outrigger that would face the extension, as well as a window on the rear elevation of the main part of the house. From them, particularly the rear facing window, the proposed extension would appear prominent and imposing above the boundary fence and wall. The outlook from these windows is already restricted by the existing built form of No. 246 as well as the two-storey flank wall of the neighbouring property to the rear. The proposal would impinge on this outlook further such that the living conditions of the occupiers of No. 248 would be unacceptably harmed. The fact that the residents of this neighbouring property have not objected does not lend positive weight to the proposal as future occupiers, as well as existing occupiers, must be considered.
7. The appellant suggests that a 3m deep rear extension could be constructed under permitted development rights, and a larger one built under the 'larger home notification procedure' if no objections were received. However, as the site is within a conservation area the rights relating to larger extensions do not apply, and the extension, at over 5m long, is materially larger than what could be built as permitted development. Therefore, this consideration carries little weight.
8. The extension would accommodate a kitchen and bathroom with two windows facing No. 248. These are shown to be obscurely glazed. On that basis there would be no significant loss of privacy for the occupiers of No. 248. Also there would be no impact on the residents of No. 244 as the extension would be largely hidden behind their own single storey extension.
9. Nonetheless, the impact of the development on the outlook from No. 248 would be harmful to the living conditions of its occupiers. Therefore the development would not accord with policy PS10 of the City of Leicester Local Plan which requires impacts such as light and overshadowing on existing or proposed residents to be taken into account.

Character and appearance

10. The local area is characterised by rows of tightly packed terraced houses and Spinney Hill Park. The park itself and the houses that front it, including the appeal property, are within the Spinney Hill Park Conservation Area. The significance of the conservation area is the spaciousness provided by the park and the uniformity of the terraces that face it.
11. The proposed rear extension would not be seen in the context of the park and indeed would have little visibility in the public realm. I consider it would have no harmful effect on the significance of the conservation area. Moreover, when seen in the context of other extensions at other properties nearby it would not appear incongruous. Its mono-pitched roof would result in a fairly tall structure but the existing first-floor window on the rear of the outrigger would not be likely to be materially affected. Overall, despite being wider than the existing outrigger, it would not be an excessively sized extension and it would be broadly subservient to the main house.
12. On this issue, I find the extension would not harmfully affect the character and appearance of the area or the Spinney Hill Park Conservation Area. It would

therefore accord with CS Policy 3 of the Leicester Core Strategy which requires development to be high quality and well designed, and CS Policy 18 which seeks to protect and enhance the character of designated heritage assets.

Other Matters

13. The Council noted that the amended proposal would have left an amount of amenity space less than that required in their Residential Amenity Supplementary Planning Document (SPD), but raised no objection to this. I consider the house's position opposite the extensive recreational space within Spinney Hill Park mitigates for the lack of sufficient amenity space on site.
14. The Council had no objection to the amended proposal in terms of the impacts on parking or flood risk. As similar impacts would be likely to occur from the proposal before me, I have no reason to arrive at a different view to the Council on these matters.
15. The appellant has suggested permitted development rights could be withdrawn. However, this would not mitigate the harm caused by the development as set out above.

Conclusion

16. Although the development would not harm the character and appearance of the area or the conservation area, it would harm the living conditions of neighbouring occupiers. Overall, the proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
17. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed and planning permission refused.

A Owen

INSPECTOR