



Appeal Decision

Site visit made on 13 July 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2021

Appeal Ref: APP/L2440/D/21/3270462

27 The Fairway, Oadby LE2 2HN

- 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 Jitesh Badiani against the decision of Oadby & Wigston Borough Council.
 - The application Ref 21/00017/FUL, dated 10 January 2021, was refused by notice dated 5 March 2021.
 - The development proposed is described as additional dormer extension to rear of the house following the planning approval ref: 19/00519/FUL.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Application Ref 19/00519/FUL was previously approved at the appeal site for first floor extensions to the front, and ground and first floor extensions to the rear. At my visit some works had taken place in accordance with those approved plans. I have had regard to this in considering this appeal.
3. On the planning application form for this appeal proposal it is stated the works subject of this application commenced on 1 July 2020. At my visit a dormer had been part constructed on the rear roof slope although it is not entirely clear whether this is the development set out on the proposed plans. Therefore, I have considered this proposal on the basis of the drawings before me, which is reflected in my terminology below.

Main Issues

4. The main issues are the effect of the development upon:
 - the character and appearance of the area; and,
 - the living conditions of the occupiers of Nos 25 and 29 The Fairway, with particular reference to privacy.

Reasons

Character and appearance

5. The appeal site is a generously sized detached dwelling set within a large plot on the north side of The Fairway. To the front, sides and rear it is surrounded

- by other sizeable detached properties on The Fairway and The Broadway within deep plots, resulting a significant distance between some of the surrounding properties to the north and west of the appeal site.
6. Many of the surrounding properties have evidently undergone modifications. However, those within the visual context of the rear of the appeal site integrate primarily hipped and gable roof forms with occasional crowns visible. This forms the prevailing character and appearance of the area and the context within which the appeal site is viewed. The plans before me of the pre-existing roof, and of the previously approved multiple gable and hipped roof form, indicate the pre-existing and approved forms would be in keeping with the character and appearance of the area.
 7. The dormer on the plans is approximately 8.35m in width and 1.95m in height, occupying a considerable proportion of the rear roof slope, tying into the top of the previously approved crown roof. The height, width, depth, bulk, flat roof form and degree of projection would considerably modify and dominate the rear roof slope. It would jar with the appeal site dwelling and those nearby, resulting in a somewhat top-heavy and bulky appearance to the dwelling. I did not note any similar large dormers in proximity to the appeal site at my visit. Therefore, the dormer is significantly out of keeping with and harmful to the character and appearance of the host dwelling and the area.
 8. By reason of the approximately 4.5m wide window arrangement set out on the plans and its non-alignment with those on the floor below, the windows as set out would further exacerbate the incongruence and harm. I acknowledge the appellant's offer to reduce the size of the windows, and that the proposed materials would be in keeping with the roof slope. However, this would not mitigate the harm from the scale, bulk, and shape of the development, which conflicts with advice at paragraphs 3.28 and 3.30 of the Residential Development Supplementary Planning Document (2019). This states that dormers should relate in scale and style to the original building, avoid becoming an over-dominant feature, and be set at least 0.5m below the ridge.
 9. The dormer would not be significantly discernible from the front of the property and part screened by neighbouring properties to the east and west. If there was a suitable mechanism to secure the long-term retention and management of trees on the appeal site before me, this would secure some screening to the north. However, the dormer is clearly visible as a highly incongruent and jarring element of the roof from a section of the street scene on The Fairway to the west of the appeal site, from some nearby dwellings and parts of gardens, particularly to the east and west.
 10. Therefore, for the reasons set out above the development would be significantly harmful to the character and appearance of the area. It would conflict with Policies 6 and 44 of The Borough of Oadby & Wigston Local Plan (2019) (the Local Plan), which in combination and amongst other things, state proposals must be of a high architectural quality that respect local character and are sympathetic to their surroundings.

Privacy

11. The position and orientation of the rear facing windows on the dormer would allow some overlooking of the neighbouring rear gardens to the east and west. However, views would be orientated towards the rear garden at an oblique

angle and the windows would not project beyond the approved rear façade. Therefore, it would not significantly change the existing situation from first floor windows at the appeal site property. Consequently, based upon the substantive evidence before me, it would not result in harmful living conditions to the occupiers of Nos 25 and 29 in respect of privacy or overlooking.

12. For the reasons set out above, I do not find the development would result in harmful living conditions to the occupiers of Nos 25 and 29 in respect of privacy. Therefore, the development does not conflict with Policy 6 of the Local Plan, which expects development to protect local amenity including with reference to overlooking. However, compliance of the development in this regard is a neutral matter, and it does not overcome the significant harm I have found in respect of character and appearance.

Conclusion

13. The development would be significantly harmful to the character and appearance of the area, in conflict with the development plan read as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR