



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: 19th July 2021

Appeal Ref: APP/W2465/D/21/3270948

9 Kingswood Avenue, Leicester LE3 0UN

- 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 Cetnik against the decision of Leicester City Council.
 - The application Ref 20202402, dated 27 November 2020, was refused by notice dated 17 February 2021.
 - The development proposed is described as two storey side and partial rear, single storey rear extension. Extension to existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site dwelling occupies a wide corner plot in a prominent position on the junction of Kingswood Avenue and Ainsdale Road. The current roof shape, two storey extent and part of the rear garden alongside the gable wall is in keeping with and contributes to the strongly defined building line of the similarly aligned properties to the west along the north side of Ainsdale Road. Therefore, the appeal site is in keeping with and makes a positive contribution to the character and appearance of the area.
4. The proposal would occupy a significant proportion of the side of the plot to a two storey height, leaving only a modest gap between the new gable wall and side boundary. The roof has been stepped down from the ridge and the cross hipped rear roof is notably lower than much of the main roof. However, the significant height, width and depth of the side extension would significantly and harmfully disrupt the existing building line along Ainsdale Road, appearing as an significantly incongruent and jarring addition to the street scene. The garage extension would be significantly smaller. However, being adjacent to No 105 and viewed closely in the context of dwellings to the west, it would abruptly project forward of No 105 thereby not relating well to it and the wider building line. Therefore, it would add to the harm.
5. While the significant disruption to the building line may not be highly apparent from many dwellings, it would be clearly visible from front gardens to the west

and sections of the footway and carriageway on Ainsdale Road. Given the height and extent of landscaping that might be required, based upon the evidence before me, I am not persuaded retaining existing landscaping and supplementing it could mitigate the harm. I note the offer to revise the plans, however, my assessment is confined to the proposal before me.

6. There have been alterations to properties on the opposite side of Kingswood Avenue. However, these are more limited in width and depth and the majority of those additions are at ground floor level. Furthermore, they are viewed more closely in the context of the buildings to the east which do not have such a long distinctive building line, and against the backdrop of the perpendicular curving building line further east.
7. No 86 fronts Ainsdale Road so does not significantly affect the building line, and the porch projection slopes down from the host property. Nos 13 and 15 are viewed in the backdrop of a cul-de-sac arrangement to the west where there is not a distinctive consistent building line. I visited Evelyn Road, which is a considerable distance from the appeal site and not part of the appeal site context. The full circumstances and policies in force at the time of that approval are not clear, so I cannot make a fully reasoned comparison to the appeal proposal. However, the extended property on the junction of Braunstone Lane has a similar building line to those to its north west. Therefore, the examples referenced are not directly comparable to the appeal proposal.
8. For the reasons set out above, the proposed development would be significantly harmful to the character and appearance of the area. Therefore, it would conflict with Policy CS03 of the Leicester City Core Strategy (2014) which states that development is expected to be of a high quality design that responds positively to its surroundings and contributes positively to the character and appearance of the area.
9. The Council's reason for refusal refers to Policy PS10 of the City of Leicester Local Plan (2006) and advice in the Residential Amenity Supplementary Planning Document (2008) (the SPD). However, these only advise on the type of attributes to which regard will be had in reaching a decision. Therefore, I do not find a direct conflict with PS10 or the SPD. However, this does not mitigate or overcome the harm I have found.

Other Matters

10. The details of the previous proposals from 2004 are not before me. However, that decision pre-dates the current development plan policies and the SPD, against which this proposal has been assessed. The Council does not raise an objection in respect of the living conditions of neighbouring occupiers, and based upon the evidence before me I see no reason to disagree. Compliance with policies in this regard would be a neutral matter attracting neutral weight.
11. The development would result in more floorspace, permit the integration of modern insulation, and the garage would become more useable for parking of vehicles. However, the limited evidence before me in regard of these matters, does not suggest the benefits would be anything other than limited. Therefore, they do not outweigh the harm I have found to the character and appearance of the area which would be significant.

Conclusion

12. The proposed development would 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