



Appeal Decision

Site visit made on 16 August 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2021

Appeal Ref: APP/W2465/D/21/3274282

32 Wigley Road, Leicester, LE5 1JH

- 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 Mrs Kierrah Bott against the decision of the Leicester City Council.
 - The application Ref 20202519, dated 14 December 2020, was refused by notice dated 9 March 2021.
 - The development proposed is a single & two storey rear extension.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect of the development on the living conditions of the neighbour at No 34 Wigley Road with particular regards to outlook and light.

Reasons for the Recommendation

5. The appeal site comprises a two-storey semi-detached dwelling in a residential area. An existing single-storey rear extension would be replaced by the proposed extension. The two-storey extension would project 3.3m beyond the first-floor rear elevation of the dwelling, with the single-storey extension projecting a further 0.7m.
-

6. The adjacent neighbour at No 34 has a ground-floor window in the side elevation that directly faces the appeal dwelling. This window is the sole window that serves the kitchen at No 34 and is therefore the principal window serving the room regardless of its size. Kitchens are generally regarded as a key part of the habitable accommodation in a dwelling and it is a space where residents may expect to spend a significant amount of time. Consequently, it is important to retain a reasonable outlook and level of daylight in the interests of the living conditions of any occupants.
7. The kitchen currently has a limited outlook and supply of natural light as a result of the presence of the appeal dwelling. Notwithstanding this, oblique views remain available past the dwelling to the space beyond, thereby retaining some sense of outlook and allowing natural light into the passageway between the dwellings. Owing to its scale and proximity to No 34, and the degree to which it would extend beyond the rear elevation, the proposed extension would be an imposing structure that would cause a significant sense of enclosure as well as reducing the already limited outlook from the kitchen window by an unacceptable degree. Moreover, the level of natural light received by the kitchen window would be diminished, adding to the harm caused by the sense of enclosure and loss of outlook. The proposal would consequently cause harm to the living conditions to the occupants of the neighbour at No.34.
8. Two previous planning permissions were granted for a two-storey and single-storey rear extension at the appeal property in 2007¹ and 2008², however neither of these schemes have been implemented and the permissions have now lapsed. However, substantive details of the schemes have not been provided. Moreover, local and national planning policy has changed since those permissions were granted. Consequently, I cannot be certain that the details of the previous schemes or the circumstances in which they were considered are comparable to the proposal before me.
9. I have been referred to two other planning applications³ in Wigley Road for similar extensions. Again, no details of these schemes have been submitted and therefore I am unable to determine whether the contexts of these other schemes are similar to the proposal before me, for example whether a neighbouring property has a side-facing kitchen window.
10. I therefore conclude that the proposal would cause harm to the living conditions of the occupiers of No 34 Wigley Road as a result of the loss of outlook and natural light and the greater sense of enclosure that would be caused by the proposed extension. The proposal would therefore be contrary to saved policy PS10 of the City of Leicester Local Plan (January 2006), which seeks to protect the amenity of existing residents.
11. In the decision notice and delegated report, the Council states that the proposed would also be contrary to policy CS3 of the Core Strategy (July 2014). However, this policy relates to designing quality places and the effect of developments on character and appearance. The policy contains no reference to the effect of a development on the living conditions of neighbouring properties and therefore is not relevant to this appeal.

¹ Planning application ref. 20070863

² Planning application ref. 20081218

³ Planning application refs. 20191331 & 20170569

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR