



Appeal Decision

Site Visit made on 10 August 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2021

Appeal Ref: APP/W2465/W/21/3270962

Jamias Supermarket, 10 Kings Newton Street, Leicester LE2 0DQ

- 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 Sajid Hassan Ali against the decision of Leicester City Council.
 - The application Ref 20202523, dated 11 December 2020, was refused by notice dated 4 February 2021.
 - The development proposed is Dormer extension to existing roof, internal alterations and shop front alterations.
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Decision

1. The appeal is dismissed insofar as it related to construction of dormer extension to the front of property. The appeal is allowed insofar as it related to installation of roof lights at front and alterations to shopfront and planning permission is granted for installation of roof lights at front and alterations to shopfront at Jamias Supermarket, 10 Kings Newton Street, Leicester LE2 0DQ in accordance with the terms of the application, Ref 20202523, dated 11 December 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SK02 Revision B, SK03 Revision C and SK04 Revision B.

Procedural Matters

2. I have taken the address from the Appeal Form as this more accurately reflects the location of the site.
3. Despite the description of development set out above, I consider the description found on the Decision Notice and the Appeal Form better reflects the scheme that is before me and that which the Council considered, but I have omitted superfluous information that does not form part of the description of development. The development proposed is therefore for 'construction of dormer extension to the front of property; installation of roof lights at front; alterations to shopfront' and I have dealt with the appeal on this basis.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any of its revised content and I have had regard to any responses received in my decision.

Main Issue

5. The main issue is the effect of the proposed dormer extension on the character and appearance of the host building and the surrounding area.

Reasons

6. The appeal concerns an end terrace property situated at the corner of Kings Newton Street and Earl Howe Street and is occupied by a shop at ground floor, with residential accommodation over.
7. The terraced buildings in the locality are all arranged in a grid pattern, at the back edge of the footways. The streets oriented east-west are occupied by longer continuous terraces and north-south streets are occupied by shorter terraces. The façades and roof slopes of terraces are therefore prominent and defining characteristics of the surrounding area. In particular, there are very few interruptions to their front roof slopes, except for chimney stacks which provide regular verticality to the roofscape, and dormer and other roof extensions are scarce within these roof slopes. The consistent and largely uninterrupted roof slopes in the surrounding area therefore make a significantly positive contribution to its character and appearance, particularly on those parts of terraces such as the host property that have greater prominence.
8. The proposed dormer extension would fill a significant proportion of the Kings Newton Street roof slope of the host building, thereby disrupting the contribution it makes to the roofscape of the surrounding area. Moreover, the overall form and scale of the proposal would appear unduly dominant and inharmonious in relation to the proportions of the property, particularly its roof. I appreciate that there would be space around the proposal on the roof slope, including adjacent to the eaves; that it would be clad in materials matching the roof; and that it would align with the space between windows below. However, it would represent a discordant addition to the roof of the property that would be significantly prominent within the surrounding area.
9. In light of the above, I conclude that the proposed dormer extension would have a significantly harmful effect on the character and appearance of the host building and surrounding area. Hence, this aspect of the appeal scheme would conflict with the design aims of the Council's Core Strategy¹ policy CS03 and policy PS10 of the Council's Local Plan²; and paragraphs 130 and 134 of the Framework.

Other Matters

10. The proposal also includes two rooflights on the same roof slope as the proposed dormer extension and shopfront alterations, namely a new shop door and security shutters.
11. The proposed rooflights would be modest in size and positioned in an appropriate manner within the roof slope. Given that the proposed shutters would replace existing shutters that have a varied appearance, they would not significantly alter the appearance of the host building or how it is experienced within the surrounding area. The new door would also have a negligible visual impact. Although the Council's Officer Report indicates a preference for an

¹ Leicester City Local Development Framework Core Strategy (Adopted July 2014).

² City of Leicester Local Plan (Adopted January 2006).

alternative design for the shutters, I note that it did not raise objections to either aspect of the appeal scheme.

12. I therefore find no harm in respect of the proposed rooflights and shopfront alterations to the character and appearance of the host building or the surrounding area. Both elements are physically and functionally severable from and capable of being built without the dormer extension. A split decision in relation to these elements of the proposal would therefore be a logical outcome.

Conditions

13. I note that the condition suggested by the Council relates to the proposed dormer extension. With this in mind, in addition to the standard time limit, in the interests of clarity and the appearance of the host building, I have specified that the proposed rooflights and shopfront alterations should be constructed in accordance with the details outlined on the approved plans.

Conclusion

14. For the reasons above, I conclude that the appeal should be allowed insofar as it relates to the proposed rooflights and alterations to the shopfront. However, as I have found harm in respect of the character and appearance of the host building and its surroundings and there are no other considerations which would outweigh this finding, the appeal should not succeed insofar as it relates to the proposed dormer extension.

Paul Thompson

INSPECTOR