



Appeal Decision

Site Visit made on 15 September 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/W2465/D/21/3274453

The Knowle, 54 Ratcliffe Road, Leicester, LE2 3TD

- 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 and Mrs Badat against the decision of Leicester City Council.
 - The application Ref 20202356, dated 23 November 2020, was refused by notice dated 15 March 2021.
 - The development proposed is demolition of existing outbuildings and erection of replacement 2 and single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect on the living conditions of occupiers of 56 Ratcliffe Road (No 56) in terms of outlook and access to light, (ii) the effect on the setting and significance of No 56, a grade II listed building, and (iii) whether the development would preserve or enhance the character and appearance of the Stoneygate Conservation Area (the CA).

Reasons

Living conditions

3. A fence lies along the site's boundary with No 56's back garden. A ground floor bay window in the rear of No 56 is close to the boundary. The proposed extension would be near to No 56 and it would be markedly taller than the fence. As such, it would be seen from the neighbour's garden and bay window.
4. Unlike the existing property, the addition would project a significant distance beyond the rear of No 56, so that it would clearly breach a line taken at 45° from the centre of the bay window. Therefore, the development would fail to comply with the guidelines on house extensions as set out in the Council's Residential Amenity Supplementary Planning Document 2008.
5. Given its length, height and proximity to the boundary, the proposal would be conspicuous and unduly dominant when seen from the adjoining back garden. Views from No 56's rear windows would remain unobstructed but due to its overbearing effect, the extension would diminish and impinge on the outlook, particularly from the nearby bay.
6. The rear part of the extension would be single storey with a roof that slopes up away from the boundary. Even so, by reason of its height and close proximity, it would lead to a reduction in sunlight and daylight access to the bay window.

The loss of light would be particularly harmful as nearby tall trees already cause a degree of shading.

7. No 56 is a large property and so the proposal would have no meaningful overbearing or overshadowing effect on parts of its back elevation or garden. However, the overall effect would be significantly detrimental.
8. As such, I conclude the proposal would harm the living conditions of occupiers of No 56 in terms of outlook and access to light. In these regards, it would not accord with CS policy 3 of the Leicester City Core Strategy 2014 (CS) and policy PS10 of the City of Leicester Local Plan 2006 (LP). Amongst other things, these seek an appropriate relationship between buildings which takes account of the amenity of residences.

Listed building

9. No 56 was built in 1897 and its significance lies with its age and largely unaltered form and appearance. The listed building description mentions various interesting architectural aspects on its front and rear elevations.
10. Despite the partial screening effect of the trees and boundary fence, the back of the listed building is seen from the appeal property. The proposed extension would conceal elements of No 56 in views from The Knowle and so it would harm its significance. Moreover, by virtue of its length and subsequent dominating effect, the rear addition would detract from the listed building in views from No 56's garden. These effects would only be noticeable from private land but nevertheless they would cause detriment to the way the listed building is experienced.
11. For these reasons, I conclude the proposal would harm the setting and significance of No 56, a grade II listed building. In these regards, it would not accord with CS policies 3 and 18 which, amongst other things, seek to protect the setting of designated heritage assets. The Council's refusal reason also refers to LP policy PS10 but this has no provisions relevant to this issue.

The CA

12. The locality is characterised by detached properties with mature trees and hedges along the roadside and in sizeable back gardens. The properties vary in age but include houses from the Victorian period and early 20th century. The significance of the CA lies with its pleasant, leafy environment as well as the historic and aesthetic interest of some of the buildings, including No 56. The appeal property contributes positively to the CA's significance as it is a detached dwelling set in a large, vegetated plot and is over 100 years old.
13. I have already found the proposal would harm the setting of No 56 as a listed building and so at the same time it would be detrimental to the historic interest of the CA. Moreover, by virtue of its length, the proposal would dominate the back of the appeal property itself. It would be single storey and elevations would contain fenestration which would help break up its mass. However, it would stand out as an unusually large addition, at odds with other nearby properties which tend not to have long extensions. The rear element of the scheme would only be viewed from other private properties, but where seen, it would have a harmful effect on the visual qualities of The Knowle and the CA.

14. The development would involve the demolition of the side garage and small walled courtyard behind. The garage includes some interesting features such as a slate roof, ornate brickwork and garage doors that add to the interest of the building and the street scene in general.
15. The front of the proposed extension would largely replicate the existing garage. The new dutch gable feature would reflect those seen on the main part of the house. The ridge height would be increased but I am satisfied that, through the use of sensitive materials, the front of the development would appropriately retain the overall feel of the existing property. Also, the courtyard area behind contains plainer buildings with modern alterations and so its loss would have no meaningful impact on the significance of the CA. However, the neutral effect of the front element of the scheme would not address or overcome the detriment that would be caused by the extension to the rear.
16. As such, I conclude the proposal would not preserve or enhance the character and appearance of the CA. In these regards, it would not accord with CS policies 3 and 18.

Heritage balance

17. The proposal would only affect a small part of the setting to the listed building and the CA. Therefore, it would cause less than substantial harm to these heritage assets. The submissions highlight no particular public benefits to the proposal. As such, the harm that would be caused to the significance and setting of the listed building, as well as to the character, appearance and significance of the CA, are not outweighed by any other factors.

Conclusion

18. The proposal would be contrary to development plan policies when read as a whole. There is no sound justification to grant planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR