

Appeal Decision

Site Visit made on 11 October 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/W2465/D/21/3273741

68 Dronfield Street, Leicester LE5 5AT

- 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 Abdul against the decision of Leicester City Council.
 - The application Ref 20201879, dated 28 September 2020, was refused by notice dated 19 March 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether occupants of the appeal property would have adequate usable private amenity space as a result of the proposal.

Reasons

3. The appeal property is a mid-terraced dwelling located in a residential area with a modest sized rear yard. Neighbouring terraces also have modest rear yards owing to the tight-knit character of the area, the layout of development and due to rear extensions.
4. The Council estimate that the existing amenity space would reduce from around 16m² to just under 10m². Either figure falls significantly below the minimum level for private amenity space set out in the Residential Amenity Supplementary Planning Document (SPD). The SPD explains that amenity spaces should be practical and usable.
5. The proposed amenity space would be a narrow space which would not be conducive for children's play. It is likely only to serve as a mean of access to and from the rear alleyway or as an area to dry washing. Whilst occupants use private amenity spaces differently, and I recognise the limitations of the existing space, the proposal would not allow for any recreational activity which is important given the dwelling offers accommodation for a small family even if the proposed extension would provide additional living space.
6. There are rear extensions nearby, including at 66 Dronfield Street, but I do not have the full details or circumstances before me of how these came to be. Nor is there any confirmation that they benefit from planning permission, do not require permission or are now immune from enforcement proceedings. These extensions do not therefore justify the appeal proposal.
7. Accordingly, I conclude that the occupants of the appeal property would not have adequate usable private amenity space as a result of the proposal.

Conflict would therefore be caused with Policy CS03 of the Core Strategy and saved Policy PS10 of the Local Plan, the SPD and paragraph 130 of the National Planning Policy Framework; which jointly seek to ensure that occupants of different types of households are provided with amenity space.

Conclusion

8. The proposal does not accord with the Development Plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
9. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR