



Appeal Decision

Site visit made on 23 November 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/W2465/D/21/3281588

4 Howe Lane, Leicester LE5 1BZ

- 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 Hitesh Parmar against the decision of Leicester City Council.
 - The application Ref 20210801, dated 5 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is garage conversion and single storey rear extension to house.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion and single storey rear extension to house at 4 Howe Lane, Leicester LE5 1BZ in accordance with the terms of the application, Ref 20210801, dated 5 April 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 1:1250; Block Plan 1:500; 2020/4HL/002 Rev C; 2020/4HL/001 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the garage conversion and single storey rear extension hereby permitted shall match those used on the existing building.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for existing and future occupants, with regard to rear amenity space.

Reasons

3. Policy CS3 of the Leicester City local development framework, Core Strategy 2014 (CS) expects high quality, well designed developments that positively contribute to an areas character and appearance and context. Create buildings and spaces that are fit for purpose yet are innovative, adaptable and flexible to respond to changing social, technological and economic conditions. Saved Policy PS10 of the City of Leicester Local Plan 1996 - 2016, 2006 takes account of residential amenity in new development concerning existing or proposed residents.

4. However, in the Council's decision notice, it does not refer to Saved Policy PS10. Nonetheless, both policies do not specifically refer to the requirement for outside private amenity space or any specification including a measurement/size that would be acceptable for private outside amenity spaces including rear garden areas.
5. The Council's supplementary planning document Residential Amenity, 2008 (SPD) at Appendix G, Amenity Space sets out that an extension should leave sufficient garden space for general use and penetration of light and sun. It recommends a minimum rear garden area of 100 sq. metres for a 3-bedroom house.
6. The appeal site relates to a 3-bedroom end terraced property within a primarily residential area. There is an existing detached shared garage and driveway to the front and a conservatory to the rear. The conservatory would be replaced with a larger extension that would wrap around the property to incorporate the garage. The garage would be converted, and the proposals would form an open plan family/dining room. As I observed at the time of the site visit, the rear garden is enclosed by fencing and has a substantial amount of paved hardstanding with free standing planters, there was also an outdoor game facility.
7. Although there would be an increase in built form within the rear garden area. It would rationalise the existing space between the garage and the house which is narrow and only serves to provide gated access to the front. There would be a marginal increase in depth from the existing conservatory and limited additional built form. The appellant sets out that the existing space is some 58.4m² and the proposal would result in a lesser amount of garden space being some 54m². I have no evidence to the contrary to disagree with these figures.
8. I have therefore taken the approach that even if I were to take the Council's position that the extension size would result in a lack of amenity space for the host property. Given the scale of the extension in comparison to both the existing conservatory, site observations of the existing garden layout and size. There would be no reason why the existing space would not assimilate the extension and leave sufficient useable garden space for the enjoyment of existing occupiers. The proposal would not undermine the principles set out in the SPD. Moreover, the guidance in the SPD only recommends such minimum figures.
9. For these reasons, I find that the proposal would result in having sufficient and acceptable private amenity space to the rear. Thus, there would not be any harm to the living conditions of existing or future occupiers of the host property. Therefore, it would accord with CS Policy CS3, even if there is a breach of guidance on private amenity space, the proposal would still accord with the overall aims of achieving high quality design set out in the policy.

Other Matters

10. The appellant refers to the GPDO¹ as a 'fallback position' that a much larger building could be built within the rear garden area under permitted development rights. Whilst this may be the case, I have not been provided with any substantive evidence that the existing property would meet the limitations

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

as set out in Class E of the GPDO. In the absence of any lawful development certificate, I attach no weight to this matter.

Conditions

11. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials are to match the existing building in order to safeguard the character and appearance of the area.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

KA Taylor

INSPECTOR