



Appeal Decision

Site visit made on 23 November 2021

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 08 December 2021

Appeal Ref: APP/W2465/D/21/3281918

215 Knighton Church Road, Leicester LE2 3JP

- 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 T Palmer & Miss S Starmore against the decision of Leicester City Council.
 - The application Ref 20211228, dated 16 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the living conditions of the neighbours at No 213 Knighton Church Road and those of the host dwelling, with respect to outlook, light and privacy.

Reasons

3. The appeal site is a two-storey mid-terraced property located in an established residential area. The surrounding area consists of two-storey traditional terraced dwellings with narrow rear gardens.
4. The proposed extension would include a principle room with a large window on its side elevation facing the neighbouring property at No 213. The proposed extension would extend closer to No 213 than the existing outbuildings because it would be wider than the existing rear additions. No 213 already has a rear extension with two windows that face out towards where the proposed extension would be located. Although a gap and yard areas between the two properties would be maintained, the extension would be a significant mass of built form with a large window in proximity to the neighbour's existing windows. As a result, it would appear as an unduly enclosing feature when viewed from the windows of No 213.
5. Whilst on site I noticed a low boundary brick wall with bamboo type screening above, in-between the two gardens and adjacent to the existing rear extension of No 213. I found this screening to offer only limited privacy between the two property boundaries. From my observations on site and the information presented to me, I conclude that the proposed extension would adversely affect the privacy and perceived privacy for the residents of No 213. This is due to the proposed extension's elevated height, scale, and window placement, which would allow close range views over the boundary wall into the outdoor

yard space and through the side windows of No 213. The bamboo type screening would do little to obscure such views. As such, the proposed extension would unacceptably harm the living conditions of the neighbouring occupiers of No 213 with respect to privacy.

6. The proposed single storey extension would protrude past the current width of the existing outbuildings of the host dwelling by 0.7m. The dining room in the host dwelling has only one window which faces out towards the rear garden. Due to this projection of the proposed extension, the existing dining room window would face towards this 0.7m wide rear facing wall. As a result, it would substantially reduce the outlook from the dining room window. In addition, light into this principal room would also be meaningfully reduced as a result of the increased width and bulk of the new extension. I conclude that the harm caused by loss of outlook and reduced light would be unacceptable because it would permanently harm the living conditions of future occupants of No 215.
7. For the reasons above, the proposal would fail to accord with Policy CS03 of the Leicester City Council's Core Strategy (adopted 2014). Amongst other things, this policy requires new development to respond positively to the surroundings and be appropriate to the local setting and context. It would conflict with saved policy PS10 of the City of Leicester Local Plan 1996 - 2016 (adopted 2006). Policy PS10 concerns the amenity of existing residents and seeks to provide residents with a quality living environment. The proposal would also fail to comply with Leicester City Council's Residential Amenity SPD (adopted 2008) (Section 3 and Appendix G), which provides a design guide for house extensions.
8. In addition, the proposal would fail to accord with the National Planning Policy Framework (Para 130) where it seeks a high standard of amenity for existing and future users.
9. I note the examples of properties with extensions provided by the appellant. However, no planning history for these properties was supplied. I have determined this appeal on its own merits and have found no evidence that would outweigh the harm I have found.

Conclusion

10. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
11. For the reasons given above I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR