



Appeal Decision

Site Visit made on 14 September 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/W2465/D/21/3276632

16 Quorn Road, Leicester LE5 3NT

- 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 M Cantilal & Mrs J. Ira against the decision of Leicester City Council.
 - The application Ref 20210167, dated 24 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is single storey store to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for single storey store to the rear at 16 Quorn Road, Leicester LE5 3NT in accordance with the terms of the application, Ref 20210167, dated 24 January 2021 and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans, including the external surfacing materials specified thereon: 002/78616 – Proposed Location Plan & Proposed Block Plan; 004/78616 – Proposed Floor & Roof Plans; 005/78616 – Existing & Proposed Front and Side Elevation; 006/78616 – Existing & Proposed Rear Elevations/Existing and Proposed Side/Section Elevations; and 007/78616 – Existing & Proposed Floor Plans.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I saw on site that the main structure of the store had been built and accorded with the submitted plans, however the external surfaces had not yet been completed. I have therefore considered the appeal on the basis that development has already commenced.
4. I have removed the word 'retention' from the description of development in the header above because it does not refer to an act of development.
5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to

the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

6. The main issues are the effect of the development on the living conditions of the occupiers of 16 Quorn Road in respect of available outdoor amenity space; and on the living conditions of the occupiers of 18 Quorn Road and 5 Oakley Road in respect of outlook.

Reasons for the Recommendation

Living conditions of 16 Quorn Road

7. No 16 is a mid-terrace Victorian dwelling with a narrow rear yard that has been paved. The dwelling has a galley kitchen to the rear and the store has been built onto the rear of that structure at the same height. As a result, the built form extends the full depth of the yard. However, the store does not by itself occupy over 50% of the outdoor space, as advised in the Council's Residential Amenity Supplementary Planning Document (2008) (SPD).
8. Prior to construction of the store the outdoor space was already very small, however this is common with this type of property. The dense pattern of development and low boundary walls also mean that the outdoor space is almost completely overlooked by the surrounding houses, so it is not a particularly private space. Therefore, the occupiers would likely have made use of the numerous surrounding parks and public spaces for recreation space.
9. The existing outdoor space is not significantly smaller than before the store was constructed and has been laid out with a washing line and planting beds. It is not uncharacteristically small given the pattern of development, and I saw that similar extensions have been added to several other properties. The remaining space provides facilities to meet many of the day to day needs of the occupiers. While it would not provide much space for play or recreation, this would also have been true of the yard before the store was built, given its limited size. Consequently, the outdoor space continues to be practical and usable even with the store.
10. Accordingly, the store does not harm the living conditions of the occupiers of No 16 in terms of available outdoor amenity space. Therefore, in this respect the development complies with Policy PS10 of the City of Leicester Local Plan (adopted 2006) (LP) as well as CS Policy 3 of the Leicester City Core Strategy (adopted 2014) (CS) which seek to ensure development takes into account factors concerning amenity of existing or proposed residents.
11. Furthermore, it would not conflict with the SPD guidance that extensions should leave sufficient garden space for general use and penetration of light and sun, or with the Framework which seeks to ensure development does not undermine quality of life.

Living conditions of 18 Quorn Road and 5 Oakley Road

12. No 18 has an extension and shed which together extend along much of the shared boundary with No 16. The store is taller than the neighbouring shed but

not significantly higher than the extension to No 18. The store results in one side of the garden of No 18 being enclosed to a slightly greater extent than before it was constructed, however the relatively low boundary walls on the other side mean that the garden retains a sense of openness in that direction. Consequently, the store does not significantly adversely affect the outlook from the garden of No 18. Additionally, given the location and scale of the store and the intervening structures, it is not prominently visible from the ground floor of the dwelling, so does not harmfully affect the outlook from its windows.

13. No 5 has an extension built close to the rear boundary of its garden. The windows along this extension face out towards No 3 rather than towards the appeal site and because of this, only a small part of the store can be seen from them. Consequently, the store does not significantly or harmfully affect the outlook from those rooms. Given the limited scale of the store, although it projects slightly further forward than the neighbouring extension it does not harmfully enclose the garden of that property or dominate the outlook from it or the rear of the house. Therefore, it does not make those areas significantly less pleasant or practical to use.
14. Consequently, the development does not have a significant adverse effect on the living conditions of the occupiers of 18 Quorn Road or 5 Oakley Road in respect of outlook and complies with LP Policy PS10 in this respect.

Other Matters

15. The store is taller than a standard boundary treatment, however it is still single storey and the same height as the existing outrigger of No 16. Given its siting and the presence of other structures close to the shared boundaries, it does not significantly affect the levels of sunlight and daylight reaching the gardens of Nos 5 and 18 or their ground floor windows. Its height and design are consistent with the host property and respond positively to its surroundings. I therefore find no conflict with LP Policy PS10 or CS Policy 3 of the CS in these respects.
16. Interested parties have raised concerns about the construction and safety of the store and compliance with Building Regulations and the Party Wall Act. These matters are dealt with by other legislation and are therefore outside of the remit of what I can consider in dealing with this planning appeal. Furthermore, given my findings above, it is not necessary for me to consider whether the store or an alternative scheme could have been constructed as permitted development.
17. The site is located within Flood Zone 3b as well as a Critical Drainage Area and as a result a Flood Risk Assessment (FRA) was submitted alongside the application. The Council concluded that the impact of the proposal in terms of increased surface water run-off was unlikely to be significant. Given that the site was already covered by hard paving prior to the construction of the store and having seen the site and reviewed the FRA I am satisfied that the proposal would not increase flood risk on site or elsewhere.

Conditions

18. The development has already commenced, therefore it is not necessary to include the standard implementation condition. Nevertheless, it has not been finished, so in the interest of certainty it is necessary that the development is

built in accordance with the approved plans, including the materials specified on them.

Conclusion and Recommendation

19. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. Therefore, for the reasons given above, the proposal would accord with the development plan and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal.

L McKay

INSPECTOR