



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: 15 December 2021

Appeal Ref: APP/L2440/D/21/3281639

295 Leicester Road, Wigston LE18 1JW

- 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 Randhir Singh against the decision of Oadby and Wigston Borough Council.
 - The application Ref 21/00159/FUL, dated 27 March 2021, was refused by notice dated 6 August 2021.
 - The development proposed was originally described as the '*construction of single storey front and rear; two storey side and rear; roof lights and alterations*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the construction of single storey front and rear extension; two storey side and rear extension, with rear facing dormer with roof lights, patio doors and alterations.
3. The appeal site has been subject to a consent for a certificate of lawfulness for a proposed development¹ '*hip to gable roof, rear dormer extension plus rooflights to front*'. The Council contend that the certificate was granted incorrectly. It is not a matter for the Inspector dealing with an application for planning permission to conduct an exercise as to whether the lawful use or operation is acceptable. This is a future matter for the Council to deal with as necessary.
4. Nevertheless, during my site visit it was clear that works have started at the property. I noticed that the front roof lights position and rear dormer openings is not what is depicted on the existing plans. Existing side and rear extensions had also been removed. I am therefore considering the appeal as part retrospective. Moreover, in any event the proposal before me is what is depicted on the proposed plans and it is the submitted plans which I have considered the appeal against and upon which I have based my decision.

Main Issues

5. The main issues are (i) the effect of the proposal on the character and appearance of the host property and area; and (ii) the effect of the proposal on

¹ 20/00074/CLP

the living conditions of nearby residents and occupants of the 'Holiday Inn', with particular regard to privacy.

Reasons

Character and Appearance

6. The appeal site is along the north east side of Leicester Road, a major arterial route into the town centre and within a predominantly residential area. The area is characterised by a mix of semi-detached and detached two-storey houses with the majority of buildings having hipped roofs. The property forms a pair of semi-detached dwellings of similar appearance in width, characterised with identical features, albeit the appeal property has now introduced a gable roof form. Directly adjacent to the site is a hotel and parking area for the 'Holiday Inn'. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.
7. The width of the proposed two-storey extension would be excessive as it would be almost the same width as the existing dwelling itself to the front elevation. This is further exacerbated by its wrap around design to the rear, its length and the introduction of different roof forms. The sheer scale of the proposed extensions would appear as dominant additions to both the side, rear and front elevations and would overpower the original host dwelling. Despite the two-storey extension being set down and set back, in combination with the front projecting extension and other additions they would not appear subservient or proportionate to the host dwelling resulting in overdevelopment. This would result in a detrimental impact to its character and appearance.
8. Furthermore, the addition of the dormer which spans across the majority of the extended rear roof. Appears as an incongruous, top heavy structure with limited set-in from both the side elevation and ridge. It does not respect the existing or amended roof form, and due to its scale, bulkiness and positioning appears as an unattractive and alien feature. Whilst, the proposed introduction of a large opening, including the Juliet balcony would further add to the overall miss match of poor design of additions and extensions to the rear elevation. Therefore, constituting poor and unattractive design, significantly adding a negative impact on the character of the host dwelling.
9. In addition, the position of the property along Leicester Road would result in the proposed extensions being clearly visible in the street scene, particularly due to the open aspect of the frontage and low boundary treatments. When this is combined with the overall scale, substantial width of extensions, and the excessive length of the roof ridge across the host property it would create an unbalanced and negative appearance to these properties. Accordingly, it would detract from the character and appearance of both properties and the street scene.
10. Moreover, the trees along the north western boundary offer little screening particularly as these are sited along the side boundary, and foliage cover would be reduced in the winter months. As such, these do not protect any views of the property from along the front, approach along Leicester Road or from public views within the rear/adjacent hotel car park.

11. I conclude that the proposed development would be harmful to the character and appearance of the host property and the area. It would be contrary to Policy 6 of The Borough of Oadby and Wigston Local Plan 2011-2031, adopted 2019 (LP). Which requires proposals to create a distinctive environment by respecting the existing local and historic character, utilise inclusive design principles, including layout, orientation, landscape, streetscape, scale, materials, natural surveillance and sustainable construction; and ensures patterns of development are sympathetic to their surroundings.
12. I also find it would be at odds with the guidance in the Residential Development Supplementary Planning Document, 2019 (SPD). In particular relating to loft conversions and dormers of existing residential dwellings; and paragraph 3.2 which requires all new residential development to have a relationship with its surroundings in terms of massing, height, balance, use of materials, roof shape and architectural detailing; and should fit with the local streetscene.

Living Conditions

13. The patio doors serving the Juliette balcony would be positioned at a high level within the roof space. Although, the doors would be slightly recessed, given the proximity to the neighbouring property it would still result in significant views into and across the garden of No.293 Leicester Road (No.293) to an unacceptable degree. Particularly, when the doors are open this would allow occupiers of the appeal property to stand fully and look directly into the garden area. There would be limited overlooking to properties further along Leicester Road and Brighton Avenue, due to the angles and distance from the opening.
14. In regard to the hotel, there is considerable distance between the site and any bedroom windows. Therefore, there would not be any direct overlooking or privacy issues for occupants of the hotel. Although the car park would be significantly overlooked this would not cause any undue impact on privacy to users frequenting the car park. However, this does not outweigh the significant impact of overlooking within the private garden of the neighbouring occupier at No.293.
15. For the reasons given above, I conclude that the proposal causes unacceptable harm to the living conditions of the neighbouring occupier at No.293, with particular regard to privacy. It conflicts with Policy P6 of the LP, which seeks to protect local amenity including overlooking. It would also be in conflict with the SPD relating to residential amenity, privacy and visual intrusion.

Other Matters

16. The appellant refers to the matter of an alleyway, outside amenity space, garden size, plot ratio, bedspaces and dwellings per hectare. However, I note that the Council did not refuse the application on this basis. The inclusion of an alleyway is a neutral consideration neither weighing for or against the proposal. Furthermore, it appears that the Council have referred to the proposal on the basis of extending the host property for 6 bedrooms is excessive and constitutes overdevelopment. Therefore, I attach limited weight to these matters.

17. The appellant relies heavily on the previous consent as a genuine 'fallback', and that permitted development rights under the GPDO² apply for the Juliette balcony. Despite, the Council having concerns over the assessment for the dormer and its accordance with the plans. The consent was granted and there is a greater than theoretical possibility that the 'fallback' scheme could be implemented if the appeal were to fail, I therefore afford this significant weight in my decision.
18. However, that consent relates only to roof alterations and a dormer. As such, it significantly differs from the proposal before me, particularly with the proposed extensions. Furthermore, the dormer 'fallback' would not introduce a large opening of patio doors or a Juliette balcony. Therefore, I consider the 'fallback' scheme would have a lesser impact on the living conditions of No.293.
19. Moreover, I have not been provided with any substantive evidence that the existing property would meet the limitations as set out in Schedule 2, Part 1 Class A, B or C of the GPDO, and it is not a matter under a S78 appeal for consideration what constitutes permitted development. In the absence of any alternative certificate, I attach no weight to these considerations.
20. The appellant has referenced the National Planning Policy Framework and it is supportive of positive planning, ensuring that land is viable as a resource and is put to best use, taking a flexible approach. Whilst this may be the case, it is not without caveats, including that developments are visually attractive as a result of good architecture; are sympathetic to local character; have a high standard of amenity for existing and future users and development that is not well designed should be refused where it fails to reflect local design policies.
21. My attention has been drawn to a dismissed appeal³. Although, there may be some similarities with the appeal site in regard to the location and development plan policy. I do not consider this is directly comparable with the appeal scheme, including that that was for the erection of 2 x detached dwellings unlike the scheme before me which is for householder development. In any case I have considered the appeal proposal on its own merits.
22. I have been referred to other developments, in particular to No.310 Leicester Road. However, I do not have full details of this scheme and so cannot be certain that the circumstances are the same. In any event, those that I saw do not change the prevailing character of the area in order to justify the development before me.

Conclusion

23. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

K A Taylor

INSPECTOR

² The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

³ APP/L2440/W/20/3264054