
Appeal Decision

Site visit made on 26 January 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH February 2022

Appeal Ref: APP/X2410/W/21/3283954

35 Myrtle Avenue, Birstall, Leicester, LE4 4HU

- 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 Ian Hunt against the decision of Charnwood Borough Council.
 - The application Ref P/21/1222/2, dated 28 May 2021, was refused by notice dated 28 September 2021.
 - The development proposed is a double storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey extension at 35 Myrtle Avenue, Birstall, Leicester, LE4 4HU in accordance with the terms of the application, Ref P/21/1222/2, dated 28 May 2021, 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: Drawing number HH/20/058/001/Site Plan, 106-002, 106-002b, 106-003 and 106-004.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the design of the development and its effect on the character and appearance of the area.

Reasons

3. The appeal property is a hipped roof semi-detached house with a single storey flat roof garage attached to the side. It is surrounded by residential properties of similar but not identical design and materials. I observed during my site visit that there are numerous two-storey side extensions nearby and these form part of the established character and appearance of the area. Some of the extensions I saw were slightly set back from the front elevation of the host dwelling and had a slightly lower ridge line. Others sat flush to the front elevation and roof line of the original dwelling.
4. The Council's Design Supplementary Planning Document (SPD) provides some very basic good practice design guidance relating to house extensions.

However, planning is more than a tick box exercise and this guidance must be balanced against other factors. In accordance with the SPD the extension would not create a terracing effect, would not project forward of the building line, would be less than half the width of the existing dwelling ensuring that original building remains dominant and would replicate the original hipped roof form of the house.

5. Although the proposal would further unbalance the symmetry of the original pair of houses, this would not be harmful to the appearance of the street scene given the variation of existing house types and extensions in the immediate surrounding area.
6. I therefore find no conflict with policy CS2 of the Charnwood Local Plan Core Strategy or saved policies EV/1 and H/17 of the Borough of Charnwood Local Plan, which seek amongst other things to ensure new development is of a high standard of design that is compatible with the original dwelling and the locality. I also find no conflict with the National Planning Policy Framework.

Conditions

7. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to matching materials is necessary to ensure that the appearance of the new development would be satisfactory.

Conclusion

8. For the reasons given above the appeal is allowed.

Rachael Bartlett

INSPECTOR