
Appeal Decision

Site visit made on 26 January 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14TH February 2022

Appeal Ref: APP/L2440/D/21/3284971

27 Greenbank Drive, Oadby, Leicestershire, LE2 5RQ

- 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 & Mrs Akhtar against the decision of Oadby & Wigston Borough Council.
 - The application Ref 21/00327/FUL, dated 30 June 2021, was refused by notice dated 6 October 2021.
 - The development proposed is a 2 storey rear and side extension and single storey front extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is unclear why the Council has cited Policy 44 of the Oadby and Wigston Local Plan 2011-2031 (the Local Plan) in its reason for refusal as this relates to landscape character. This issue is not referred to in its decision and for this reason, I have not referred to this policy in this decision.
3. Although the appellants statement indicates that the first floor rear extension has been amended to 3.5m in depth, the plans which accompany this appeal (P002 Rev A, P001, A002 and A001), indicate a depth of 4m. I have made my decision on the basis of the submitted plans.

Main Issue

4. The effect of the proposal on the living conditions of the neighbouring occupiers.

Reasons

5. The appeal site comprises one of a pair of semi-detached 2 storey residential properties with a flank drive serving a rear garage. The neighbouring property, No. 25 Greenbank Drive shares the same character and rear building line as the appeal site.
6. The proposals would be extensive when compared to the size of the original property. The appeal scheme includes a single storey front extension, with part single and 2 storey side and rear extensions.
7. The side extension would entirely fill the gap between the shared boundary with No. 25. Although its first floor side would be set back from the frontage it

- extends beyond the rear of the property by around 4m from the original rear wall.
8. The scale of the proposed extensions are excessive for the size of the original property. Their size and proximity to the shared boundary with No.25 Greenbank Drive would be overbearing and dominant when viewed from both the rear windows, garden and garage drive of this property.
 9. Policy 6 of the Oadby and Wigston Local Plan 2011-2031, requires that new development is sympathetic to local character and that it respects its surroundings. Consistent with this policy, the Council's adopted SPD¹ on residential development provides advice on how extensions to existing properties can be designed to prevent the original property being overwhelmed. Furthermore, the SPD seeks to ensure that development has a relationship with its surroundings in terms of both massing and height. The scale of the proposed extensions does not adhere to this guidance.
 10. The location, height and depth of the proposed extensions would dominate No. 25 Greenbank Drive. The submitted plans are not of sufficient detailed scale to allow me to accurately measure whether the 45 degree angle to the rear first floor window of No.25 has been infringed. However irrespective of this, the depth of the first floor rear extension would result in harm to the occupiers of No.25 by reason of its depth leading to an overbearing impact.
 11. The inclusion within the design of hipped and gabled roof designs does not reduce the relative scale of the appeal scheme in relation to the neighbouring property.
 12. Although the appellant has cited other examples of what they consider are similar extensions in the area, I do not know the planning history of these sites. It is clear, however, from the aerial photographs, that some of these have a different relationship with their neighbouring properties than the appeal site has with No 25 Greenbank Drive.
 13. I conclude that the appeal scheme would conflict with Policy 6 of the Local Plan, adopted Guidance and furthermore would not be in accordance with the National Planning Policy Framework which requires that new development has a high standard of amenity for existing occupiers.
 14. For the above reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR

¹ Supplementary Planning Document