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# Appeal Decision

Site visit made on 1 February 2022

**by R W Allen B.Sc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 February 2022**

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**Appeal Ref: APP/W2465/D/22/3290109**

**2 Hart Road, Leicester, LE5 3FW**

- 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 Mustafa Shaikh against the decision of Leicester City Council.
  - The application Ref 20212183, dated 24 August 2021, was refused by notice dated 2 November 2021.
  - The development proposed is construction of a dormer and installation of rooflights as front, first floor extension and dormer at side of house; alterations.
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## Decision

1. The appeal is allowed and planning permission is granted for construction of a dormer and installation of rooflights as front, first floor extension and dormer at side of house; alterations at 2 Hart Road, Leicester, LE5 3FW in accordance with the terms of the application, Ref 20212183, dated 24 August 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SK01 existing floor plans and block plan; SK02 existing elevations; SK03 proposed floor plans; and SK04 proposed elevations and block plan.
  - 3) The external surfaces of the development hereby permitted shall match those of the existing building.

## Preliminary Matter

2. Although I find nothing inherently wrong with the description of the appeal in the application form, I have in the banner heading above used the wording from the Council's decision notice as I find it more accurately describes the appeal.

## Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 79 Maynard Road.

## Reasons

4. The appeal concerns an end-of-terraced two-storey property on a corner plot at the junction between Hart Road and Maynard Road. The property, and its adjoining neighbour at No.79 Maynard Road (No.79) conform to a typical late-nineteenth century design that includes a two-storey outrigger, leaving a

narrow corridor at the rear between the outrigger and the boundary between the two properties. The property occupies almost all of its plot, as attached to the rear elevation of the outrigger are two single-storey extensions; one of which would house the first-floor extension which is the subject of this appeal.

5. The Council does not object to the proposed garage conversion into an extended kitchen and dining room, or indeed the effects on the appeal as a whole on the character and appearance of the area. I concur and accordingly, do not discuss them further in my decision.
6. I observed the proposed development from No.79 from both its ground and first floor windows on the main elevation, which the Council guesses correctly serve habitable rooms, as well as the ground floor side windows which serves its kitchen. Outlook and a lack of natural light to each of these windows is already severely restricted from the existing surrounding built form. Because of its positioning and its limited width and depth, I am satisfied that the proposed first floor extension would not be visible from the rear elevation windows and would only minimally increase the built form experienced when viewed from the kitchen windows of the neighbour. Consequently, I am satisfied that the proposed first floor extension would have no significant harmful effect on outlook to No.79 and I am not persuaded having regard to the existing situation and the daily path of the sun that there would be an exacerbation of shading to the neighbour.
7. I am equally satisfied that views of the proposed dormer additions from the neighbouring kitchen windows would be acute and taken with the first-floor extension would have no discernible effect on the outlook or excessive shading to the neighbouring property. Views of the proposed development from the first-floor outrigger room, which also serves a habitable room, would also be acute and again would have no discernible effect on the said matters.
8. I therefore find that the proposed development would not cause significant harm to the living conditions of the occupiers of No.79. The proposed development would accord with policy PS10 of the City of Leicester Local Plan, which requires new development to protect residential amenity from, amongst other things, privacy and overshadowing. It would also accord with the relevant parts of the National Planning Policy Framework.

## **Conclusion**

9. For the reasons given I conclude that the appeal should succeed.

*R W Allen*

INSPECTOR