
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

Appeal Ref: APP/W2465/D/21/3286576

8 Weatherburn Close, Leicester, LE3 9SU

- 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 Mrs Akerele against the decision of Leicester City Council.
 - The application Ref 20212343, dated 6 September 2021, was refused by notice dated 9 November 2021.
 - The development proposed is single storey side and rear extension with loft conversion and box dormer.
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Decision

1. In respect to the single-storey side and rear extension at 8 Weatherburn Close, Leicester, LE3 9SU, the appeal is allowed and planning permission is granted in accordance with the terms of the application, Ref 20212343, dated 6 September 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 plan: 8WC-A0-001 Revision D existing and proposed floor plans and elevations.
 - 3) The materials of the extension hereby approved shall match those on the existing dwelling.
2. In respect to the proposed dormer window, the appeal is dismissed.

Preliminary Matter

3. I note that the Council's decision notice refers to plan numbers 04 Rev E and 05 Rev E as those which it based its decision on. The appellant states that this is incorrect and that it should refer to drawing 8WC-A0-001 Revision A. However, neither of these are before me. I have a drawing reference 8WC-A0-002 which shows the proposal as described above, and thus I conclude that the Council's reference is likely to be a typographical error. However, for reasons that I will make clear below, I am allowing part of the appeal on a new drawing submitted with the appellant's statement of case, reference 8WC-A0-001 Revision D.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal dwelling is a two-storey semi-detached property located within a residential close of similarly designed houses. The roof is notable and large in size owing to its moderate pitch and its slope to the side of the property
6. The Council does not object to the proposed single-storey side and rear extension, and from my observations I have no reason to disagree. I am satisfied that this element of the appeal would accord with policy CS03 of the Leicester City Local Development Framework Core Strategy (Core Strategy), which is the general design policy, and seeks amongst other things high quality designs which contribute positively to the character and appearance of the local environment.
7. The same cannot be said for the proposed dormer window. Its size would occupy and consume almost all of the roof and in so doing, would dominate it resulting in it appearing as an unattractive three-storey flat roof dwelling house. It would be widely visible from several vantage points and would in my judgement, lead to a significant unbalancing of the pair of dwellings and would appear incongruous with the surrounding built form. I therefore find that the proposed dormer window would be unacceptable, and it would conflict with policy CS03 of the Core Strategy and with Council's guidance and the relevant parts of the National Planning Policy Framework.
8. In the circumstances where I found myself agreeing with the Council, the appellant invites me to consider plan reference 8WC-A0-001 Revision D, in which the proposed dormer window is removed from the scheme. I am content to do so and to issue a split decision as both elements of the appeal are clearly separate. While the Council has not likely had sight of this plan, I am satisfied that the removal of the dormer window would meet with its approval and as such, I find no injustice occurs by me accepting it.

Conditions

9. I have considered the conditions as advanced by the Council against paragraph 56 of the Framework and am satisfied that they meet the tests set out therein. Notwithstanding the Council's position on the matter, I find that a time limit condition is necessary to ensure the development is commenced in a reasonable time period. In the interests of certainty and to retain the character and appearance of the existing property and the street scene, conditions are necessary requiring that the proposed single-storey side and rear extension is undertaken in accordance with the approved plan and that the materials must match the existing dwelling.

Conclusion

10. For the reasons given above, I conclude that the proposed single-storey side and rear extension element of the appeal is allowed. The remainder, which is the proposed dormer window, is dismissed.

R W Allen

INSPECTOR