
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/21/3286371

78, Stoneywell Road, Leicester, LE4 1AT

- 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 Tanfa against the decision of Leicester City Council.
 - The application Ref 20211521, dated 17 June 2021, was refused by notice dated 18 August 2021.
 - The development proposed is construction of two storey extension at front and side; first floor extension at rear house (Class C3); alterations.
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Decision

1. In respect to the first-floor extension at the rear of 78 Stoneywell Road, Leicester, LE4 1AT, the appeal is allowed and planning permission is granted in accordance with the terms of the application, Ref 20211521, dated 17 June 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: 21903/PL01; 21903/PL02; 21903/PL03 Revision A; 21903/PL04 Revision A and 21903/PL05.
 - 3) The materials to be used on the external surfaces of the first-floor rear extension hereby approved shall match those on the existing dwelling.
 - 4) The development hereby permitted shall be carried out in accordance with the Preliminary Ecological Appraisal Report by ROAVR Environmental dated 28 October 2021.
2. The remainder of the appeal, which concerns the two-storey front and side extension, is dismissed.

Preliminary Matters

3. The appellant was not at home at the time of my site visit. However, I was able to view all parts of the property from public land sufficient for me to determine the appeal.
4. In the banner heading above, I have used the wording from the Council's decision notice to describe the appeal over that as prescribed in the application form, as I find it better reflects and describes in more detail the appeal proposals.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on ecology.

Reasons

Character and appearance

6. The appeal property is a two-storey detached dwelling located at the head of a small close. Perpendicular to the dwelling is a detached garage which would make way for the proposed two-storey element of the appeal. Attached to the rear elevation is what appears to be an extension to the dwelling at single-storey level. Here, the appeal proposes a first-floor extension which the Council raises no objection to. I concur, and accordingly am content to allow this element of the appeal without further discussion in this decision.
7. I understand the appellants' point on the similarity in height between the proposed two-storey element and the surrounding built form. However, that is in my judgement where the harmony ends. Its alignment and positioning against the main dwelling, exacerbated by a visually awkward join to it, would result in a development that would appear as a clumsy and discordant extension which would poorly relate and not sit well against the main dwelling. Consequently, it would amount to an unwelcome addition to the property and to the street scene.
8. I therefore concur with the Council that the proposed two-storey element of the appeal would not be in keeping with the original house. It would not accord with policy CS03 of the Leicester City Local Development Framework Core Strategy (Core Strategy) and saved policy PS10 of the City of Leicester Local Plan (Local Plan), which seek amongst other things high quality designs which contribute positively to the character and appearance of the local environment and to protect residential amenity. It would also not accord with the Council's Guidance and the relevant parts of the National Planning Policy Framework (the Framework).
9. I am satisfied that the first-floor rear extension is clearly separable and divisible from the two-storey side and rear extension such that I can issue a split decision on the appeal on this matter.

Ecology

10. I note that the appeal property lies adjacent to the Castle Hill Country Park which the Council states is an area of natural and semi-natural greenspace. The appellant has produced Preliminary Ecological Appraisal Report for the site, albeit that it was originally in connection for a previous scheme, in which it is identified that the ecology value of the site is low and that recommendations are made to protect and enhance biodiversity. These include the use of protective barriers, noise restrictions, avoidance of construction during the bird breeding season and the installation of bird, bat and insect boxes.
11. I have noted the Council's comments on the inadequacy of previous versions of this ecology report. From my observations, and without evidence to the

contrary, the report's findings and recommendations seem to me to be both sound and reasonable. While I accept that ecology concerns may well be geared more towards the two-storey side and rear element of the appeal which I am dismissing, given the property's proximity and distance to the country park, I am content to take a precautionary approach and apply a suitably worded condition for the first-floor extension to adhere to these recommendations.

12. I therefore conclude that the proposed development would accord with Core Strategy policy CS17 and Local Plan policy UD06. These state that development will be expected to maintain, enhance and/or strengthen connections for wildlife through creation of new habitats and planning permission will not be granted for development which directly or indirectly impinges on landscape features. It would also accord with the relevant parts of the Framework.

Conditions

13. I have considered the conditions suggested by the Council against paragraph 56 of the Framework and have made changes, where appropriate, to satisfy those tests. 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 first floor rear extension is undertaken in accordance with the approved plans and that the materials must match the existing dwelling. For the reasons given above, an ecology condition is also necessary.

Conclusion

14. In respect to the first-floor rear extension, I conclude that for the reasons given above, the appeal should be allowed. In respect to the two-storey side and rear extension, the appeal is dismissed.

R W Allen

INSPECTOR