



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: 17TH February 2022

Appeal Ref: APP/W2465/D/21/3285493

2 Millwood Close, Leicester, LE4 2PW

- 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 and Mrs P Inskip against the decision of Leicester City Council.
 - The application Ref 20211494, dated 14 June 2021, was refused by notice dated 9 August 2021.
 - The development proposed is extension to side/front of dwelling to form garage/porch and covered way at ground floor and extended bedroom and bathroom and additional bedroom at first floor level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area; ii) the living conditions of occupiers of 55 Border Drive with particular regard to loss of light and outlook; and iii) highway safety.

Reasons

Character and appearance

3. The appeal property is located on the northern side of Millwood Close adjacent to its junction with Border Drive. This side of Millwood Close has a very strong linear building line, which with the exception of a few porch canopies and the existing detached car port on the appeal site, has no forward projections. These very much uniformed houses are in terraced blocks of 4. Each block has a red tiled hipped roof. External walls are finished in a pebbledash render, some with cladding above. The properties are all set back from the road and the majority have a hedgerow along the site frontage. The adjacent terraced houses on Border Drive are of the same design and appearance. Grass verges, open corners and gaps between buildings are a positive characteristic of the surrounding estate.
4. Due to its corner position the appeal site is visually prominent in the street scene. The development seeks to increase the living space within the house and to provide an enclosed garage and covered yard by filling the small gap at the side of the house with a two-storey extension, which would project forward of the existing building line at the front of the house. Single storey front extensions are also proposed. Due to the shape of the plot and the variation in

ground levels, the proposal would result in a variety of roof forms, eaves and ridge heights. This together with the forward projections would significantly and harmfully detract from the balance and simplicity of the existing blocks of terraced houses that currently all have matching frontages and roof lines. It would also detract from the space and openness between the dwellings and the openness of the corner plot, both of which are positive characteristics of this locality.

5. Although there is already a detached carport to the front of the site, this is a modest open sided structure. As Millwood Close slopes downwards from Border Close, the carport is little higher than the boundary fence. It is not comparable to the proposal currently before me and in any event, there is nothing before me to confirm whether or not the existing car port has planning permission.
6. I therefore conclude that the development would be contrary to policy CS3 of the Leicester City Core Strategy (July 2014), which requires new development to be well designed and to respond positively to the character and appearance of the local area.

Living conditions

7. No. 55 Border Drive is located roughly at a right angle to the north/north-west of the appeal site. It has a small rear garden in comparison to its neighbours and, like the appeal site, a larger area of garden land to the front and side. There is a private enclosed area of garden to the side of the house, which being south facing benefits from the sunlight for much of the day.
8. The proposed single storey garage would be approximately 3.3 metres high. Due to the appeal site being slightly lower than No. 55 Border Drive, the eaves height would be little higher than the existing fence and the garage roof would slope away from the boundary. The single storey elements of the proposed development would therefore have very limited effects on the neighbours.
9. However, the two-storey side extension, despite not projecting any further back than the existing rear elevation of the appeal property, would extend up to the boundary of the site, as well as further forward, closing the gap between the houses and blocking the sunlight from the south. The scale and siting of the two-storey extension would result in an overbearing and oppressive outlook from the garden of No.55 Border Drive and an undue sense of enclosure.
10. I therefore conclude that the development would have an unacceptable effect on the living conditions of occupiers of 55 Border Drive with particular regard to loss of light and outlook. This is a material consideration of significant weight.

Highway safety

11. The appellant states that the proposal would improve highway safety by creating off-street parking. At the time of my visit the property already had a car port on the front garden, which was being used to provide off-street parking, despite there being no dropped kerb. No plans have been submitted showing any works outside of the site boundary, on highway land.
12. I have not been advised whether or not Millwood Close is a classified road, whereby planning permission would be required to create a new vehicular access. Nor have I been advised whether or not the existing car port and front

boundary treatment, which appears to exceed 1 metre in height adjacent to the highway, has planning permission.

13. As the proposal before me seeks to formalise the use of the front garden for parking and to introduce a garage, without showing adequate visibility splays or an appropriate dropped kerb and vehicular access crossing, I am of the view that the safety of pedestrians in particular and of other highway users would be put at risk.

Conclusion

14. For the reasons given above the appeal is dismissed.

Rachael Bartlett

INSPECTOR