
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/21/3286025

21 Greenwood Road, Leicester, LE5 4NH

- 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 Udra Ramudit against the decision of Leicester City Council.
 - The application Ref 20211747, dated 12 July 2021, was refused by notice dated 14 September 2021.
 - The development is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit the shell of the extension was complete. The application was made retrospectively and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on i) the living conditions of occupiers of 22 Greenwood Road with particular regard to light and outlook and ii) the size of the remaining rear garden of the appeal property.

Reasons

Living conditions

4. The extension is located to the south of 22 Greenwood Road. There is a single storey flat roof outhouse attached to the rear of No.22 and the evidence before me suggests that an identical adjoining outhouse previously existed at the appeal site.
5. As well as the extension, the appeal property has a detached outbuilding to the rear. The gap between the rear wall of the extension as built and the detached outbuilding is less than 2 metres. Accordingly, there are buildings adjacent to almost the full length of the boundary between the rear gardens of Nos. 21 and 22 Greenwood Road.
6. At the time of my visit, which was late morning, I observed that the single storey extension, which is slightly offset from the boundary, was overshadowing the patio doors and the patio area to the rear of No. 22 Greenwood Road.

7. I appreciate that the outhouse at No. 22 would also have resulted in some overshadowing of the patio area. However, this only extends approximately 2.75 metres from the rear wall of the dwelling and is only approximately 2 metres high. The current development extends 4.63 metres from the rear of No. 21 and its height ranges from approximately 2.7 metres to 3.75 metres high.
8. I am also mindful of the fact that a single storey rear extension not exceeding 3 metres from the rear wall of the house and not exceeding 3 metres high to the eaves or 4 metres high in total, would not usually require planning permission. Similar single storey rear extensions have been constructed on adjacent dwellings to the south of the appeal site, most likely under these permitted development rights.
9. However, the additional 1.63 metre projection together with the presence of an existing detached outbuilding on the site, which is less than 2 metres from the rear of the extension, results in almost the whole of the southern boundary of No.22 being bound by buildings, thus creating additional overshadowing and a more oppressive outlook than either the previous or permitted development options would.
10. I have had regard to the fact that the rear of the appeal property and its neighbours face west and would therefore benefit from the sun in the late afternoon and in summer time, the evening sun. However, there is no evidence before me to demonstrate that the patio and patio doors would not be overshadowed for much of the day, especially during the winter months.
11. I therefore conclude that the extension, due to its projection from the rear of the house, its proximity to the existing outbuilding on the site and its proximity to the boundary, the patio area and the ground floor habitable patio windows at No.22 would have an unacceptable impact on the living conditions of neighbouring occupants. Accordingly, the development conflicts with saved policy PS10 of the Leicester City Local Plan (2006), which requires new development to have regard to the amenity of local residents in terms of overshadowing.

Effect on garden space

12. Section 2.5, Appendix G – design guide for house extensions of the Council's Residential Amenity Supplementary Planning Document (SPD) sets out recommended minimum rear garden sizes and states that extensions should leave sufficient garden space for general use and penetration of light and sun. The rear garden of the appeal property was originally less than the size recommended by the SPD for even a 1 bedroom house. The SPD goes on to recommend that in any event, no more than 50% of the existing rear yard or garden should be covered by extensions.
13. The extension, when taken together with the existing detached outbuilding, does considerably reduce the size of the rear garden by approximately 50%. Nevertheless, the property has a large front garden and the rear garden remains large enough to accommodate the existing pond, space to hang out the laundry and space to sit outside. This is considered to be usual for a small mid terrace town house. For the more energetic, there is a public park at the end of the road, which is only a few minutes walk away.

14. I therefore find no conflict with the SPD, or with saved policy PS10 of the Local Plan or Core Strategy policy CS3, neither of which make any reference to garden space.

Other Matters

15. I note the appellant's desire to provide additional floor space and a ground floor bathroom for his family. However, the personal benefits of the development are not sufficient to outweigh the harm to the neighbours or the conflict with planning policy. It is alleged that the council has approved similar developments in the immediate area that have the same relationship with neighbours but no details of these other cases have been provided. In any event each case is determined on its own merits. The other nearby single storey rear extensions that I could see from the appeal site appeared to be of a size below that requiring planning permission and neighbours had adjoining extensions of a similar size. Accordingly, the effects of these other nearby extensions on their neighbours are not the same as the appeal scheme.

Conclusion

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

Rachael Bartlett

INSPECTOR