



Appeal Decision

Site visit made on 8 December 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 FEBRUARY 2022

Appeal Ref: APP/W2465/D/21/3280445
57 Wicklow Drive, Leicester LE5 4EJ

- 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 A Rathod against the decision of Leicester City Council.
 - The application Ref 20210967, dated 20 April 2021, was refused by notice dated 8 July 2021.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be:
 - i. whether the proposed development would provide appropriate living conditions for the occupiers with regard to amenity space and;
 - ii. the impact of the proposed development on the amenity of the occupiers of no's.55 and 59 Wicklow Road with particular regard to daylight and outlook.

Reasons

Living conditions – amenity space

3. The appeal property is a mid-terrace dwelling with a plot which stretches from Wicklow Road to the front and Rowlatts Hill Road. The rear of the appeal site rises from the dwelling, with steps leading from the garden area to the rear, to include a garage building fronting Rowlatts Hill Road.
4. Whilst I acknowledge that there would be a reduction in garden space as a result of the proposed development, I have considered that there would still be sufficient outdoor space for occupants of the dwelling. There is space for sitting out and the appeal site benefits from a south-facing garden.
5. The Council's SPD¹ states that extensions should leave sufficient garden space for general use and penetration of light and sun, going on to provide recommended minimum rear garden areas, being and stating that no more than 50% of the garden area should be taken up by extensions. The Core

¹ Leicester City Council Supplementary Planning Document – Residential Amenity (February 2008)

Strategy² sets out at policy PS10 that the impact of development to the amenity of existing or proposed residents will be taken into account. The parties do not agree on the amount of garden space remaining as a result of the proposed development. Nonetheless, from my site visit and the plans forming the appeal, whilst I accept that the proposal would result in the loss of some garden space, this would not be significantly harmful to the living conditions of the occupiers of the appeal property for the reasons set out above. As such I consider that the proposal accords with the requirements of Policy PS10 of the Core Strategy the Local Plan and the overall guidance and principles in the National Planning Policy Framework (the Framework), which expects high quality design and a good standard of amenity for existing and future occupiers of land and buildings.

6. My attention has been drawn to an appeal decision dealing with rear garden space³. As set out by the Council, the circumstances of that particular appeal are different due to overshadowing from a tree and I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.

Living conditions – daylight and outlook

7. The dwelling is part of a relatively uniform terrace with a number of dwellings having various additions to the rear of the properties, primarily single storey. Numbers 55 and 59 Wicklow Road share boundaries with the appeal site, with both properties having single storey rear extensions. The appeal site also has a single storey rear extension which extends across most of the width of the property. This extension forms part of the boundary with no. 55. Both properties at 55 and 59 have close-board fencing alongside the boundary with the appeal site. I note the comments regarding missing fence panels, however at the time of my site visit there were panels between each neighbour of varying heights.
8. Policy PS10 of the core strategy seeks to protect amenity of residents with regard to (amongst other things) light, privacy and overshadowing. The proposed development would extend 6m from the rear of the existing extension. Notwithstanding the existing boundary arrangement with no. 55, given the depth, height and position of the proposal, the development would create a dominant and solid flanking wall and would thus create an unneighbourly sense of enclosure and would create a gloomier and more oppressive outlook for future and existing occupiers of no. 55. The proposed extension would overshadow that portion of the rear garden close to it to some extent, and would be visually intrusive when seen from no. 55.
9. Whilst the appeal proposal would be set back from the boundary to no. 59, the depth of the extension would result in a dominant and oppressive feature which would have an overbearing effect upon the outlook from both the back garden and the rear facing habitable rooms of no. 59.
10. For these reasons I conclude that the proposed development would have a harmful effect on the living conditions of the neighbouring residential properties at numbers 55 and 59 with particular regard to daylight and outlook. The

² Leicester City Council – Core Strategy (July 2014)

³ APP/W2465/W/20/3255584

proposal is therefore contrary to the amenity protection aims of Policy PS10 of the Core Strategy, and the Framework.

Other Matters

11. I acknowledge the appellant's comments regarding overlooking from the first floor windows and higher areas of garden of adjoining properties. Whilst this may be the case, this does not outweigh the identified harm.

Conclusion

12. For the reasons given above, the appeal is dismissed.

Rebecca Thomas

INSPECTOR