



Appeal Decision

Site visit made on 22 February 2022

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/W2465/D/21/3288349

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 approval required under Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs D Akerele against the decision of Leicester City Council.
 - The application Ref 20212306, dated 5 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is the construction of additional one storey extension to roof of dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading is taken from the Council's refusal notice. This is more succinct than the version provided in the Application Form.
3. There is a discrepancy between the Application and Appeal Forms in relation to the Appellant's name. It has since been confirmed that the Appellant is Mrs D Akerele.
4. An amended drawing¹, superseding that considered by the Council was submitted with the appeal. I have had regard to this in reaching my decision.
5. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) enables, as permitted development, the enlargement of a dwellinghouse by the construction of additional storeys. This is subject to a number of criteria listed in paragraph AA.1, and various conditions listed in paragraphs AA.2 (2) and (3).
6. The Council's reasons for refusal relate to condition AA.2(3)(a), which requires the developer, before beginning the development, to apply to the local planning authority for prior approval for matters which include (i) residential amenity and, (ii) the external appearance of the dwellinghouse, including the design

¹ Dwg No. 8WC-A0-001-A

and architectural features of: (aa) the principle elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.

7. The National Planning Policy Framework (the Framework) and Development Plan policies, including supplementary guidance, can be considered relevant in prior approval cases but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

8. The main issue is whether the proposal would be permitted under the requirements of Schedule 2, Part 1, Class AA of the GPDO.

Reasons

Character and appearance

9. The proposal is for a single storey extension above the main part of the dwelling. The extension would be 2.6m in height taking the dwelling to 10.6 metres in overall height. Materials would be matching brickwork, render and roof tiles. The submitted drawing shows that the additional storey would have a similar pattern of fenestration to the lower floors.
10. The appeal property forms one half of a pair of semi-detached houses within Weatherburn Close, a short cul-de-sac. The immediate area consists of other similar pairs of semi-detached dwellings arranged around a small parking forecourt.
11. The wording of paragraph AA suggests that some assessment should be made of how the dwellinghouse would appear in the street scene, as otherwise alterations could be made to the design and architectural features that could be considerably at odds with the surrounding area.
12. In my view the additional storey would very clearly disrupt the balance and symmetry that currently exists between the No 8 and its neighbour No 7. While the extension has been carefully designed with matching features and materials, the relationship of the additional storey to its adjoining neighbour would be most anomalous. This would result in a building with a contrived and discordant appearance undermining the area's distinctiveness. Without extending No 7 at the same time, such an effect would be unavoidable. Consequently, I find that the appearance of the dwelling would be unacceptable and the proposal would conflict with the requirements of paragraph AA.2.(3)(a)(ii) of Class AA. I also find the proposal would also conflict with relevant design related policies cited in the Council's second reason for refusal.

Living conditions

13. In terms of the requirements of paragraph AA.2.(3)(a)(i), the Council is understandably concerned that the additional storey would result in a significant loss of light to the garden and rear windows to 29 Arnhurst Close located approximately 13m north of the appeal property.
14. In the absence of any technical evidence on this matter, I consider that there might be some additional overshadowing of No 29's garden at certain times of the year when the sun is lower in the sky. However, I do not consider there would be overshadowing of the windows in the rear elevation nor the garden during the summer months when it is most likely to be in use. As a

consequence, I am not persuaded that the extent of overshadowing would be so significant as to harm the living conditions of the occupiers of No 29. For these reasons, I do not find conflict with paragraph AA.2.(3)(a)(i) in respect of residential amenity.

Conclusion

15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector