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# Appeal Decision

Site visit made on 15 February 2022

**by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 March 2022**

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**Appeal Ref: APP/W2465/D/21/3277818**

**5 Granby Avenue, Leicester LE5 3RB**

- 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 Arif Mohamed Sadik Boodi against the decision of Leicester City Council.
  - The application Ref 20211046, dated 24 April 2021, was refused by notice dated 24 June 2021.
  - The development proposed was originally described as 'kitchen/bathroom and bedroom extension only'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The original description of development set out above is somewhat vague. Thus, I have based my consideration on the Council's description on its decision notice of '*construction of part two-storey and part single storey extension at rear/side of house (Class C3)*', which more fully describes the proposal.

## Main Issues

3. The main issues are:
  - i) the effect of the proposal on the character and appearance of the area;
  - ii) the effect of the proposal on the living conditions of neighbouring occupants, with respect to light and outlook, and
  - iii) whether the proposal would provide adequate external space for occupants.

## Reasons

### *Character and appearance*

4. The appeal dwelling addresses Granby Avenue but is physically the end dwelling of the terrace to the north on Baggrave Street. The dwelling has an existing two storey rear outrigger which matches the height and depth of those along the terrace. The dwelling has a shallow single storey addition beyond the outrigger and a detached outbuilding at the rear of the site.
5. The proposal would see the rear outbuilding enlarged to meet the existing extension, subsuming the single storey element at the rear of the outrigger in the process and adding a shallow pitched roof. Above this, at first floor level, the outrigger would be extended rearward by 2.38 metres.

6. Full depth ground floor additions are common to the terrace, and in terms of site coverage, this element of the proposal would not be uncharacteristic of the surroundings. The shape of the pitched roof would be a departure from the roof forms of adjacent extensions, but this would not be discernible from the street as the neighbouring extensions would be screened from view. Given the extension would address the street, some variation in design and orientation is to be expected. Having regard to the immediate street scene, which features a number of different sizes and forms of roofs and openings to buildings, I am content that the proposed roof, door and window would not appear as uncharacteristic or disruptive features.
7. However, the extended outrigger to the first floor would add significant bulk at high level. It would clearly disrupt the consistent building line at this height along the Baggrave Street terrace, and would obscure views along the rear of the terrace from Granby Avenue. It would appear excessive in scale by comparison with its neighbours and so would harm the character and appearance of the area.
8. I note that the corresponding building on the opposite side of Granby Avenue has extended at the first floor level. However, this appears to be shallower in depth than that proposed, and forms part of a separate group of dwellings. Any symmetry to be gained within the street scene from the proposal extending at first floor level would be limited and would not offset the loss of consistency to the rear building line of the terrace of which the appeal dwelling forms part.
9. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, contrary to Policy CS03 of the Core Strategy (July 2014) (the CS) and saved Policy PS10 of the City of Leicester Local Plan (January 2006) (the LP), which require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment, and set out that the visual quality of the area, and its ability to assimilate development, are factors to be considered in determining planning applications. The proposal would also conflict with the aims of the National Planning Policy Framework to secure high quality design in all developments.

#### *Neighbours' living conditions*

10. The proposed first floor extension would have a significant enclosing effect on the rear courtyard of the adjacent dwelling at 9 Baggrave Street. At present, the gap between the rear outrigger and the side wall of 7 Granby Avenue provides a valuable source of sunlight and daylight through to the rear of the terrace from the south.
11. The proposal would narrow this gap considerably, with No 9 most affected as the adjacent dwelling. The extension would stand immediately above the ground floor windows, severely restricting outlook from them and reducing sunlight and daylight to them. Outlook from the rear first floor window is already limited to some extent by the existing extension at the appeal dwelling, but there is still a sense of light and openness beyond it due to the existing gap to No 7. The narrowing of this gap would significantly diminish the extent and quality of light reaching the rear first floor window, and would further reduce the outlook to a narrow tunnel view rearward.

12. For these reasons, I conclude that the proposal would cause significant harm to the living conditions of neighbouring occupants, by reason of increased sense of enclosure, loss of outlook, sunlight and daylight. This would conflict with Policy PS10 of the CS, which requires that the amenity of existing or proposed residents is considered in determining planning applications, having regard to factors including light and overshadowing.

*Private external space*

13. The Council argues that the proposal would contravene the requirements of its Residential Amenity Supplementary Planning Document by providing less than the recommended 75sqm of private external space and covering more than 50% of the original yard area.
14. I recognise the benefits for occupants in having suitable private space for relaxation, play, exercise and other activities. However, I saw that the existing property has only a narrow L-shaped path that extends along the side of the rear outrigger and turns between the outrigger and the outbuilding. I saw it was being used to dry clothes but, apart from this, it is not a suitable size or shape for any meaningful activity, even sitting out. As such, the site already falls well short of the SPD thresholds, and has no prospect of achieving them, short of removing the existing outbuilding altogether, which is unrealistic.
15. Given the existing site circumstances, I find that the further reduction in private amenity space would not make a material difference to the standard of accommodation for occupants of the dwelling, and no conflict would arise with Saved Policy PS10 of the LP in terms of its requirement that proposals have regard to the amenity of existing or proposed residents.
16. The Council refers to Policy PS10 in its officer report, but cites conflict with Policy CS03 in its reason for refusal. This may be in error, as PS10 appears to me to be the most relevant policy. Nonetheless, I find no conflict with Policy CS03 either, having regard to its more general aims to create buildings and spaces that are fit for purpose yet are innovative, adaptable and flexible.

**Conclusion**

17. For the reasons set out, the proposal would conflict with the development plan, taken as a whole. The proposal would provide extended living space for the present occupants, but this would be a private benefit, rather than a public one, and a modest one at that. Any economic benefits for the local construction trade in implementing the development would also be modest in scale. None of these considerations would justify making a decision other than in accordance with the development plan.
18. Therefore, I conclude that the appeal should be dismissed.

*K. Savage*

INSPECTOR