
Appeal Decision

Site visit made on 12 May 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th May 2022

Appeal Ref: APP/W2465/D/22/3296177

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 planning permission.
 - The appeal is made by Mrs Akerele against the decision of Leicester City Council.
 - The application Ref 20212777, dated 9 November 2021, was refused by notice dated 10 March 2022.
 - The development proposed is the erection of a single storey side and rear extension with loft conversion with dormers.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development or any part of it requires planning permission as raised by the appellant. If the appellant wishes to ascertain whether the proposed dormers would be lawful, they may make an application under section 191/192 of the Act. My determination of this appeal does not affect the issuing of a determination under section 191/192 of the same Act.

Main issues

3. The main issues are whether the proposal would provide satisfactory living conditions for its future occupiers with regard to natural light and the effect of the proposed development on the character and appearance of the local area.

Reasons

4. The appeal dwelling is a 2-storey semi-detached property at the end of a residential cul-de-sac along which properties are similar in age and style. The proposal is to enlarge No 8 with a ground floor extension to the side and rear of the main house. Additionally, 2 pitched roof dormer extensions would be placed onto the side roof slope of the existing dwelling.
5. A similar proposal was recently determined at appeal, which resulted in a split decision. In that case, planning permission was granted for a ground floor side and rear addition and refused in relation to a new side dormer extension. Compared to the previous appeal scheme, the Council states that 2 small dormers are now sought instead of a single large dormer and a window in the front elevation of the new ground extension has been removed.

Living conditions

6. To prevent overlooking problems towards adjacent properties to one side of the site, each new dormer would include solid walls save for a small triangular shaped window. From the submitted plan, each of these new windows would provide the main source of natural light to a bedroom. The modest size of these windows would limit the amount of natural light able to penetrate fully into each new bedroom, within which future occupiers can be expected to spend a reasonable amount of time. The main effect would be to make this internal living space feel gloomy and uninviting. That the bedrooms served by the new dormers would form part of an enlarged house would not diminish the harmful effect on the living conditions of its future users.
7. On the first main issue, I therefore conclude that the proposal would not provide satisfactory living conditions for its future occupiers. As such, it conflicts with Policy PS10 of the City of Leicester Local Plan 1996-2016 insofar as it aims to safeguard residential amenity. The proposal is also at odds with the National Planning Policy Framework (the Framework), which states that development should achieve a high standard of amenity for all users.

Character and appearance

8. The proposed dormers would not project above the main ridge and would be set up from the eaves and in from each side of the main roof slope. However, with 2 new dormers side by side on the roof slope, each being significant in size and in a high-level position, they would be highly conspicuous and repetitive features, giving rise to disproportionate bulk at roof level.
9. The new ground floor extension would include a blank front wall facing the road. Similarly, there would be no openings in the lengthy side elevation of the finished building save for a small first floor bathroom window. This arrangement would be visually unattractive given the considerable expanse of solid wall involved. That impression would be most pronounced from the road in front of No 8 and from adjacent properties just to the north of the site. From each of these vantage points, the proposal would draw the eye as an unsympathetic and unappealing form of development that would be out of keeping with the character and appearance of the local area.
10. On the second main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. Accordingly, it is contrary to CS Policy 3 of the Leicester City Core Strategy, which expects development to be high quality, well designed and add to the character and appearance of the local environment. It is also contrary to the Framework, which states that development should be sympathetic to local character, visually attractive and add to the overall quality of the area.

Other matters

11. My attention has been drawn to a proposed roof level extension at 35 Lindsay Road, Leicester that was recently determined at appeal and on subsequent application, which the appellant considers sets a precedent in this case. From the limited information provided, there are significant differences in the nature and scale of the proposal at No 35 and the development before me and in the type of appeal pursued. As few direct parallels can be drawn between the planning decisions at No 35 and this appeal, I am unable to attach more than

limited weight to them in support of the appellant's case. In any event, each proposal should be assessed on its own merits, which I have done.

12. The appellant considers that the Council could have partially approved the development by granting planning permission just for the proposed single storey extension. However, the reasons for refusal make clear that the Council found both the new dormers and the ground extension objectionable.
13. The appellant is also deeply critical of the Council's handling of the application and has referred to various matters including the time taken to determine the proposal, a lack of cooperation and feedback from Officers and the accuracy of the site visit. The appellant also considers that the delay in processing the application has led to unnecessary costs. However, Section H of the completed appeal form confirms that a costs application has not been made and my remit is solely to determine this appeal.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR