



Appeal Decision

Site visit made on 3 May 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/W2465/W/21/3288968

39 Overton Road, Leicester LE5 0JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Wariach against Leicester City Council.
 - The application Ref 20211653 is dated 30 June 2021.
 - The development proposed is Two storey side and rear extension with loft conversion and extension forming dormers to the front and rear; with additional outbuilding to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development is taken from the application form and replicated on the appeal form. Whilst the Council did not determine the application formally, a different description of development was used on their appeal statement. I have utilised the description provided by the appellant, and I am satisfied that it represents the development accurately and neither party is prejudiced.
3. Revised plans were submitted by the appellant on the 8-week planning application expiration date of 14 December 2021 and the Council requested additional time to determine the revised plans. It appears from the evidence provided that the appeal against non-determination was submitted on the same day. The Council have taken the revised plans into account in their appeal statement.

Main Issues

4. The main issues in this appeal are:-
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on the living conditions of residents
 - The effect of the development on highway safety

Reasons

Character and appearance

5. The appeal proposals actually include Nos 39 and 43 Overton Road, as there is an area of land between the two properties. At the No 39 side, the existing

- flats would be enlarged by extension to the rear and internal changes. The rear extensions would be two storeys approximately 5m deep and wide, in addition to a rear dormer to create additional room in the roof space. There would be amenity area to the rear but no boundary separation with No 43.
6. No 43 would have a two-storey side extension infilling the space with No 39, creating additional living space and an undercroft to allow parking at the rear. It would measure approximately 9.7m and continue the existing pitched roof design of No 43.
 7. A two-storey rear extension would also project approximately 3.7m from the existing rear extension and meet the extension to the rear of No 39. Two rear dormers would be built at first floor level to provide additional living space.
 8. There would also be alterations to the roof, as well as rooflights to the front and rear elevations. The undercroft would allow access to an additional three parking spaces. Outbuildings that were to be removed are now shown to be retained in the amended plans that were submitted.
 9. The appellant states that the extensions would provide additional space for the family.
 10. The locality is predominately residential, with occasional commercial properties interspersed. I find that the scale, size and massing of the extensions proposed would not only dominate the existing properties, but by design, would not appear subservient to the main dwellings.
 11. The overall design will dominate the surrounding properties and locality, and the enclosure of the space between the properties would create a terracing effect which affects the character and appearance of the locality, by losing the relief that the space between the properties generates.
 12. I find that the overall appeal proposals would appear incongruous and out-of-place within the locality, failing to fit in within the overall street scene, causing harm to the character and appearance of the locality.
 13. With regard to this issue, I find the proposals contrary to Policy CS03 of the Leicester City Core Strategy (2010) (the CS) and Policy PS10 of the City of Leicester Local Plan (2006) (the CLLP) which, collectively, amongst other matters, expect development to contribute positively to an area's character and its visual quality. In addition, I find the proposals conflict with the design aspirations set out in Paragraphs 130 and 134 of the National Planning Policy Framework.

Living conditions

14. The layout and extensions sought by the proposals were set out in the section above and will not be repeated again.
15. The amount of amenity space is not questioned by the Council, but their issue relates to the quality of that space. There is no boundary treatment shown to separate the two properties and three parking spaces would be supplied in the rear area.
16. Irrespective of this, it is stated by the appellant that the proposals are designed to be utilised by the same family, given the reasoning of the need for additional living space. If the proposals were to be approved, then effectively both

properties would be merged into one, with the joining of the extensions. If that were to be the case, then the need for separation of the amenity areas would be irrelevant, and the cars could be parked in a situation similar to many residential properties where off-street parking is supplied.

17. As a result, I do not find conflict with Policies PS10 and H07 of the CLLP which amongst other matters, expects development to address privacy, safety, security, arrangements for waste bin storage and creation of a satisfactory living environment.

Highway safety

18. As stated above, car parking is provided through an undercroft, and there is sufficient space to allow for vehicles to leave in forward gear, as well as there being on-street parking available in the locality.
19. In terms of the design, I find the traffic conditions in the locality to be of low speed, and insufficient material harm would be caused to highway and pedestrian safety from vehicles exiting and leaving the site via the undercroft.
20. I do not find material conflict with Policies AM01 and AM12 of the CLLP and policy CS14 of the CS, which collectively, amongst other matters, expect development to provide appropriate car parking and address highway issues appropriately.

Other Matters

21. Irrespective of my reasoning on the two matters above, I find that the harm to the character and appearance of the area outweighs the issues of living conditions and highway safety, and as a result I have found to dismiss the proposals in their current form.
22. I understand the need for the appellant to want to provide additional accommodation for his family, but the harm to the character and appearance of the area from the current proposals outweighs that need.

Conclusion

23. For the reasons given above, I therefore conclude that the appeal be dismissed.

Paul Cooper

INSPECTOR