



Appeal Decision

Site visit made on 2 August 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2022

Appeal Ref: APP/W2465/D/22/3301113

22 Rosedale Avenue, Leicester, LE4 7AU

- 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 and Mrs Shivlal and Lilavati Mistry against the decision of Leicester City Council.
 - The application Ref 20220162, dated 22 January 2022, was refused by notice dated 3 May 2022.
 - The development proposed is construction of single storey and first floor extension at rear of house.
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Decision

1. The appeal is allowed and planning permission is granted for construction of single storey and first floor extension at rear of house at 22 Rosedale Avenue, Leicester, LE4 7AU in accordance with the terms of the application Ref 20220162, dated 22 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 001 – Existing location and block plan; Drawing 002 – Proposed location and block plan; Drawing 003 – Existing floor and roof plans; Drawing 004 – Proposed ground floor plans; Drawing 005 – Proposed first floor plans; Drawing 006 – Existing and proposed front and side elevations; and Drawing 007 – Existing and proposed side and rear elevations and section drawings (labelled incorrectly the rear elevation as side elevation).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for Costs

2. An application for costs was made by Mr and Mrs Shivlal and Lilavati Mistry against Leicester City Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of numbers 20 and 24 Rosedale Avenue (numbers 20 and 24), with particular regard to outlook and natural light.

Reasons

4. The appeal property is an end-of terrace two-storey dwelling, which is situated in a primarily residential area. The property already benefits from a single-storey rear extension and a number of nearby dwellings have been altered and extended. It has a relatively long, but narrow, rear garden which backs onto a commercial site.
5. The proposal is to extend the property at ground and first-floor levels. The proposed ground-floor extension would add a further 2m onto the existing extension, resulting in a total projection of 6m. The first-floor addition would occupy approximately half of the width of the dwelling and would project 3m from the original rear wall of the house. It would have a hipped roof and the single-storey addition would have a gabled roof. The main roof planes of both extensions would slope away from the neighbouring dwellings.
6. Policy CS03 of the Council's adopted Core Strategy seeks to ensure that new developments contribute positively to the area. In addition, Saved Policy PS10 of the City of Leicester Local Plan 2006 (LP) lists factors that will be considered when assessing proposals in terms of their impact on residential amenity. The list includes privacy and overshadowing. I consider that these policies accord with the Paragraph 130 of the National Planning Policy Framework 2021(The Framework), which requires (amongst other things) high quality development and a high standard of amenity.
7. I have also taken into account the Council's Supplementary Planning Document – Residential Amenity 2008 (SPD). This provides detailed guidance on house extensions and their impact on neighbouring property. In particular, The SPD advises that single storey rear extensions up to 3m in depth will normally be acceptable. It also advocates that extensions should not project beyond a line drawn at 45° from neighbouring windows.
8. The evidence that I have before me is that a 6m single-storey rear extension has already been agreed by the Council under the Prior Notification procedure. Consequently, although the Council now has concerns over the ground floor element of the appeal proposal, an extension of identical length could be built irrespective of this appeal decision and notwithstanding any conflict with the advice contained in the SPD. Accordingly, the main focus of the appeal is the impact of the first-floor extension on the occupants of the neighbouring dwellings.
9. Having regard to the width of the proposed first-floor extension, I am not persuaded that the proposal would have an adverse effect on the occupants of number 20. At ground-floor level any views of the extension from number 20 would be largely obscured by an existing single-storey outbuilding. At first-floor level, the proposed extension would be on the far side of the appeal property and its impact on the outlook from the first-floor windows of number 20 would not be unacceptably harmful.

10. Regarding the impact on number 24, there would be some impact on a side kitchen window at that property. However, this already faces the main two-storey side wall of the appeal dwelling. Consequently, any additional impact would be slight. In addition, the closest first-floor rear window at number 24 is an obscure glazed bathroom. As this is not a main habitable room, I do not find that the proposal would have a harmful effect. Number 24 also has a single-storey ground-floor extension containing a number of side windows that face the appellants' garden. However, the proposed first-floor extension would not impinge on these windows, as it would be positioned further back.
11. For the above reasons, I consider that the proposal would not have an adverse effect on the living conditions of the occupants of numbers 20 and 24 and there would be no conflict with the Development Plan.

Conditions

12. The Council has suggested conditions in event of the appeal being allowed. I have included these in my decision. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.

Conclusion

13. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR