



Appeal Decision

Site visit made on 29 September 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 26th October 2022

Appeal Ref: APP/W2465/D/22/3301308

98 Cardinals Walk, Leicester, LE5 1LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval permission for the works notified.
 - The appeal is made by Mrs Sonia Joshi against the decision of Leicester City Council
 - The application Ref: 20220875 dated 21 April 2022, was refused by notice dated 23 May 2022.
 - The development proposed is described as 'single storey extension at rear of dwellinghouse of dimensions: 6.00 metres beyond the rear wall of the original dwellinghouse; maximum height 4.00 metres; height of the eaves 3.00 metres (Class C3)'.
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Decision

1. The appeal is dismissed.

Main Issue:

2. The main issue is the effect of the proposal on the living conditions of adjoining users, specifically by reason of outlook and access to daylight.

Preliminary Matter:

3. The description of development is taken from the Council's decision letter, which accords with what appears on the application for prior approval as to dimensions of a proposed single storey rear extension. My decision is based on that description.

Reasons:

4. Ninety-eight Cardinals Walk (No.98) is a two storey semi-detached dwellinghouse in an established residential area of Leicester. The proposal would add to, or replace, an existing single-storey extension which projects roughly 3 metres from the principal rear wall of No.98, to a total of up to 6m in length along the shared boundary with 100 Cardinals Walk, its semi-detached pair.
5. The application for prior approval does not include any drawn proposals as to appearance but confirms the extension would be a 'maximum' of 4.0m high overall (and 3.0m at the eaves). Drawings absent, and although the appellant suggests otherwise, the impact of what is proposed should reasonably be assumed to be that created by a building erected to the limit of these dimensions, there being nothing before me to consider otherwise.

6. Leicester City Council Residential Amenity SPD 2008 (SPD) contains, in appendix G, a range of guidance intended to ensure residential extensions do not unduly impair the living conditions of neighbours, including a requirement to retain a 45° arc of openness from a line perpendicular to the centre of a window to a principle room. It is clear from my observations that the proposal would breach that requirement to a significant degree, a harm exacerbated by the northerly outlook and the likely height.
7. The gardens of these properties have a northerly outlook such that penetration of sunlight into to the rear amenity areas of No.100 is limited by existing enclosing structure (the main dwelling block and existing extension to No.98) together with hedges on the shared boundary. From my observations it is also apparent that outlook from, and access to daylight for, a ground floor habitable room in No.100, lit by a window in the main rear wall, is currently limited. The Council do not suggest, nor do I consider, the amenity of the adjoining user to the west of the appeal site, 96 Cardinals Way, would be affected by the proposal.
8. However, with regard to No.100, the effect of the proposal would be to replace some 3m or so of a, roughly, 2m high boundary hedge, possibly together with the replacement of the existing extension, by solid structure which could be up to 3m in height on the boundary and up to 4m in height within its footprint. This would significantly increase the sense of enclosure and further reduce access to sunlight/daylight for users of the ground floor accommodation of No.100 due to the northerly aspect in conflict with the clear guidance in the residential amenity SPD.
9. I therefore conclude that the proposal would not accord with the provisions of the development plan such that, for the reasons given and taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR