



Appeal Decision

Site visit made on 29TH 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/22/3300398

49 Kingsway Road Leicester LE5 5TN

- 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 Kazi against the decision of Leicester City Council.
 - The application Ref: 20213002 dated 08 December 2021, was refused by notice dated 09 May 2022.
 - The development proposed is single storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a 3 bedroom detached dwelling with vehicular access in accordance with the terms of the application Ref: 20213002 dated 08 December 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 3728-02 Revision C.
 - 3) Planting: within the first planting season following completion of the development hereby approved, a scheme for shrub planting of the boundary with Highway Road shall be implemented in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority.
 - 4) Materials: No development above ground level shall take place unless and until trade descriptions or samples of materials to be used in the facing of wall and the surfaces of roof have been submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Forty-nine Kingsway Road (No.49) is located at the intersection of two suburban roads mainly populated by mid-twentieth century two storey, detached and semi-detached housing. The proposed extension would project from the flank wall of No.49 facing Highway Road which currently is in general

alignment with the front elevations of dwellings on Highway Road (odd numbers). On that basis the proposed extension would fall outwith what would have been the original pattern of development. However, many dwellings have been subsequently altered and extended. This includes numbers 52 and 54 Kingsway Road and No.72 Highway Road which are located on the other corners of the same intersection and are extended in differing ways at the side towards each adjoining highway.

4. The corner location of the proposal would allow a wider view of the proposed extension and its relationship with the host dwelling as a subservient addition, in which regard frontage setback attracts less importance; overall, subject to the use of matching materials, the proposal would not appear as an incongruous addition to the host dwelling therefore not appear out of character with the existing pattern of development.
5. The extension would occupy the greater part of a small grassed area which, due to its side location, appears to have little value as an amenity space for users, nor does it make a positive contribution to the street scene. Furthermore, the rear garden of No.49, enclosed by high fencing at its side boundary, provides physical and visual separation from 59 Highway Road (No.59). Notwithstanding the side door access indicated, the proposal would also provide some opportunity for shrub planting at that (side) road frontage which would mitigate the introduction of the extension into the street scene.
6. Consequently, although I note the sloping topography of the area in which the host dwelling is set is such that the proposed extension would be somewhat higher relative to the adjacent road than other extensions I have referred to, the height difference would neither be impactful on adjoining users due to the separation from No.59, nor upon the street scene if softened by appropriate planting. Overall, within the wider setting of other extended and altered dwellings, the proposal would not appear incongruous as an addition to the host dwelling nor, therefore, would it appear out of character with the existing pattern of development.
7. As my reasoning directs, the proposal would not conflict with Policies CS02 or CS03 of the Leicester City Core Strategy (2014), nor with Policy PS10 Of the City of Leicester Local Plan (2006) which, overall, seek to achieve high quality design, distinctive places and protect neighbouring users from unacceptable impacts. I therefore conclude that, taking all matters raised into account, the proposal would accord with the development as a whole and therefore the appeal should succeed.
8. Other than the usual time limit and plans condition, conditions to ensure choice of materials does not impact upon character and appearance, and a scheme for planting at the boundary with Highway Road is also necessary to ensure the development accords with the basis of my decision.

Andrew Boughton

INSPECTOR