



Appeal Decision

Site visit made on 25 October 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2022.

Appeal Ref: APP/W2465/D/22/3306068

29 Roseberry Street, Leicester, LE5 4GL

- 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 Mahmudhusen Sarfuddin and Sabina Ghadiyali against the decision of Leicester City Council.
 - The application Ref 20220535, dated 8 March 2022, was refused by notice dated 19 July 2022.
 - The development proposed is construction of front dormer extension; single storey rear extension; and rear dormer extension of dwellinghouse.
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Decision

1. The appeal is dismissed insofar as it relates to the rear dormer extension. The appeal is allowed insofar as it relates to the front dormer extension and single storey rear extension and planning permission is granted for a front dormer extension and single storey rear extension at 29 Roseberry Street, Leicester, LE5 4GL, in accordance with the terms of the application Ref 20220535, dated 8 March 2022 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the front dormer extension and the single storey rear extension only: Drawing Numbers: SK05 Rev A; SK01; SK02; SK03 Rev B; and SK04 Rev B.

Procedural Matter

2. In reaching my decision, I have used the description of the development given by the Council in its decision notice, which I consider to be clearer and more succinct.

Main Issues

3. These are the effect of the proposed rear dormer on the living conditions of the occupants of number 27 Roseberry Street (number 27), with particular regard

to outlook; and the effect of the proposed rear dormer on the character and appearance of both the existing dwelling and the area.

Reasons

Living Conditions

4. The appeal property is a terraced two storey dwelling, which is situated in a densely built-up part of the city. A number of dwellings in the locality have been altered and extended, particularly on the rear ground floors of the properties and, in that respect, there is no uniform appearance to the area.
5. The proposal is for three separate elements. A dormer extension is proposed at the front of the property, an 'L' shaped dormer is proposed at the rear and a rear single storey extension would be constructed in the existing rear garden.
6. The Council considers that the proposed rear dormer would have an unacceptably overbearing impact on the outlook from an existing first floor window at number 27, because of its siting and massing.
7. 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 the policy accords 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.
8. The appellant states that the plans show that the proposed dormer would not project beyond a line drawn at 45° from the centre of the neighbouring first floor window and that the proposed dormer would not be visible from the ground and first floor windows at number 27.
9. I accept that the views of the proposed dormer would be limited from the windows at number 27 (including the first-floor window) and whilst the proposal would add significantly to the bulk and mass of the appeal property at roof level, I am not persuaded that it would be unacceptably harmful to outlook of the occupants, given the limited view and the fact that it would be mainly positioned behind the 45° line, as drawn from the centre of the neighbouring first floor window.
10. I note that the Council does not object to the effect of the proposed front dormer and the single storey rear extension on neighbouring occupants. I agree with that assessment. The front dormer would not be visible from the neighbouring dwellings and the single storey extension would be similar to existing rear extensions at number 27 and 31 Roseberry Street.
11. Consequently, for the reasons given above, I conclude on this issue that the proposal would not have an unacceptably harmful effect on the outlook from number 27. Therefore, it would not conflict with Policy PS10 of the LP.

Character and Appearance

12. The Council considers that the proposed rear dormer would be overly dominant and out of context with the rear of properties on Roseberry Street. For this reason, the Council states that this element of the proposal conflicts with Policy CS03 of the Council's adopted Core Strategy (CS), which seeks to ensure that new developments contribute positively to the area. This policy is

consistent with Paragraph 130 of the National Planning Policy Framework 2021(The Framework), which requires (amongst other things) development to be of high quality and a high standard of amenity.

13. I note that the Council does not object to the proposed front dormer or single storey rear extension in terms of character and appearance. I have no reason to disagree with the Council's conclusion. Whilst front dormers are not common in the locality, the proposed structure would be relatively small and it would not dominate the appearance of the roof. The single storey rear extension would be relatively long at 6m, but it would be comparable to other rear extensions at neighbouring dwellings and at other properties in the area.
14. However, regarding the proposed rear dormer, I share the Council's concerns. I did not see any similar roof extensions in the vicinity of the appeal site and the rear roofscapes of other properties along Roseberry Street are largely unaltered. In my opinion, the proposed dormer would appear as a bulky and discordant addition that would be at odds with the character and appearance of both the host dwelling and the surrounding area. Consequently, it would conflict with Policy CS03 of the CS and with the provisions of The Framework, as referred to above.
15. In reaching my conclusion on this issue, I have considered the appellants' proposal to use materials that would match the existing dwelling. However, the mass and bulk of the dormer would still be unacceptable.

Conditions

16. The Council has suggested conditions in the event of the appeal being allowed. 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

17. For the reasons given above, I conclude that the appeal is allowed in relation to the front dormer extension and the single storey rear extension. Regarding the proposed rear dormer extension, the appeal is dismissed.

Ian McHugh

INSPECTOR