



Appeal Decision

Site visit made on 25 October 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022.

Appeal Ref: APP/W2465/D/22/3297291
147A Wicklow Drive. Leicester, LE5 4EL

- 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 Mohammed Sheikh against the decision of Leicester City Council.
 - The application Ref 20211737, dated 12 July 2021, was refused by notice dated 1 April 2022.
 - The development proposed is an extension to rear and new porch.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to rear and new porch at 147A Wicklow Drive, Leicester, LE5 4EL in accordance with the terms of the application Ref 20211737, dated 12 July 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 1994/1, 1994/3, 1994/4 and 1994/5.

Main Issue

2. The main issue is the effect of the proposed rear extension on the living conditions of the occupants of numbers 147 and 149 Wicklow Drive (numbers 147 and 149), with particular regard to outlook.

Procedural Matters

3. The description of the development used in the above banner heading and the decision is taken from the planning application form. I note that this differs when compared to the Council's decision notice. However, the description used by the appellant on the application form is not incorrect and, therefore, I have considered the appeal on that basis.
4. The documentation refers to the proposed development being retrospective. However, I observed when I visited the site that the rear extension differs in terms of its position compared to what is shown on Drawing Number 1994/5. In particular, the side wall of the extension appears to be closer to the side boundary with number 149.
5. I have made my decision based on the submitted plan. Any variation between this and the built extension is a matter for the Council and the appellant to resolve.

Reasons

6. The appeal property is a detached dwelling, which is situated within a residential area in the city. A number of properties in the area have been altered and extended since they were originally built. These include front and rear additions.
7. The proposal is for two separate and distinct elements. An entrance porch across the front door, with a lean-to roof stretching across the full width of the dwelling, is proposed on the front elevation. The Council has no objection to this part of the development and I have no reason to disagree with that view. Both the porch and the roof are in keeping with the character and appearance of the dwelling and they do not have an adverse impact on the streetscene or on neighbouring dwellings.
8. The second part of the proposal is a single storey flat-roofed extension at the rear. The extension is relatively large and the plans show that at its maximum, it would project 5.5m from the original rear kitchen wall of the dwelling. It would cover the full width of the dwelling and positioned close to the side boundaries with numbers 147 and 149.
9. 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.
10. I have also considered the Council's Supplementary Planning Document – Residential Amenity 2008 (SPD). This provides detailed guidance on house extensions and their impact on neighbouring property. 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.
11. Both numbers 147 and 149 contain rear facing kitchen/utility room windows, from which the appeal extension would be clearly visible. However, Drawing Number 1994/5 shows that the extension would not project beyond the 45° line drawn from the centre point of the kitchen window at number 149. Therefore, I consider that the effect on the outlook from number 149 would not be unacceptably harmful.
12. Whilst the impact on the outlook from 147 would be greater, the occupants of that property have relatively open aspects towards their rear garden and on the opposite side of the property. Consequently, I am not persuaded that the living conditions of the occupants would be unacceptably harmed by the appeal proposal.
13. For the above reasons, I consider that the proposal to be acceptable.

Conditions

14. As the development has commenced, there is no need for the standard three-year commencement condition. I am also satisfied that the external facing materials used are acceptable. However, for avoidance of doubt, a condition is imposed specifying the approved plans.

Conclusion

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

Ian McHugh

INSPECTOR