



Appeal Decision

Site visit made on 7 December 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2023

Appeal Ref: APP/G2435/D/22/3308879

Laxton House, Leicester Road, Ibstock, LE67 6HL

- 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 S Hill against the decision of North West Leicestershire District Council.
 - The application Ref 22/01003/FUL, dated 18 June 2022, was refused by notice dated 15 September 2022.
 - The development proposed is the erection of a two-storey side extension and single storey extension to rear.
-

Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension and single-storey extension to rear at Laxton House, Leicester Road, Ibstock, LE67 6HL in accordance with the terms of the application Ref 22/01003/FUL, dated 18 June 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: Location Plan; Block Plan; Two Storey Side Extension Drawing Numbers: 001/1, 001/2, 001/3, 001/4, 001/5 and 001/6. Single Storey Rear Extension Drawing Numbers: 001/1, 001/2, 001/3, 001/4, 001/5, 001/6 and 001/07.
 - 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.

Procedural Matter

2. I note that the Council's decision notice refers to a proposed single storey side extension. My understanding, which is verified by the appellant's description and the submitted plans is that the single storey extension would be at the rear of the dwelling. Therefore, I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of both the existing dwelling and the streetscene.

Reasons

4. The appeal property is a detached dwelling, which is situated outside of the main built-up area of Ibstock, adjacent to open countryside. It has a frontage to Leicester Road and although it is well set-back, it is visible from the road. A neighbouring detached dwelling adjoins the site on its western side. This dwelling is different in terms of its design and scale. Consequently, there is no uniformity or particular character to this part of the streetscene.
5. The appeal dwelling has previously been extended with two-storey side and rear additions and single storey rear extensions. The original part of the dwelling retains features and architectural detail that were common to its era, including curved bay windows at the front and an overhanging front-facing gable. Nevertheless, I am not persuaded that the appeal property is of any architectural significance.
6. The proposal is for two distinctly separate extensions. At the rear, it is proposed to construct a single storey addition that would infill an existing open area. The Council does not object to this part of the proposal and I have no reason to disagree with that assessment. The rear extension would not be visible from public viewpoints and it would complement the design and form of the existing rear additions.
7. The second element of the appeal proposal is a two-storey side extension that would be constructed on the eastern side of the property. It would provide a garage on the ground floor and a playroom above, accessed via an internal staircase from the garage. I note the Council's comment regarding the lack of access to the playroom from the main dwelling. However, the internal arrangements are a matter for the appellant.
8. The Council contends that the two-storey side extension when considered cumulatively would significantly detract from the character and appearance of the dwelling and the streetscene. The Council's decision notice refers to the proposal conflicting with Policy D1 of the adopted North West Leicestershire Local Plan 2021, Paragraph 134 of the National Planning Policy Framework 2021 (The Framework), and the Council's Supplementary Planning Document – Good Design (SPD).
9. Policy D1 states, amongst other things that the Council will support developments that are well designed and, as a minimum, offer a good standard of design. Further guidance contained in the Council's SPD states that extensions should maintain or improve the character and quality of the existing house and the original house should be dominant with extensions appearing as sympathetic additions. Furthermore, paragraph 134 of The Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance.
10. Design is a subjective issue and whether a proposal is harmful or not is a matter of planning judgement for the decision maker. Much depends on the site and its surroundings. In this case, I acknowledge that the cumulative impact of the proposed two storey side extension and other extensions would mean that they would not be subordinate in relation to the original dwelling. Consequently, there would be an impact on its character and appearance. However, that does not mean that the impact would be unacceptably harmful.

11. The proposed two storey extension exhibits design features that would be sympathetic to the character and appearance of the existing dwelling, including its hipped roof, fenestration and corner wall detailing. It would also be set-back, albeit slightly, from the front wall of the original dwelling and its roof would be lower than the highest point of the roof of the original property, thereby giving a degree of subservience.
12. Given that the house already differs from its neighbour, in terms of its scale and design and there is no particular character or uniform appearance to the streetscene that would restrict development, I am not persuaded that the proposal would unduly harmful to the character or appearance of the area.
13. Therefore, although the proposal would conflict in some respects with the Development Plan and the Council's SPD, in terms of the extent and scale of extensions, I consider that any conflict is outweighed by the material considerations that I have referred to above.

Conditions

14. The Council has suggested conditions in 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.
15. I note that the Council suggested an alternative materials condition that would require the use of materials that were stated as part of the application. However, the planning application form only refers to the use of facing brickwork and concrete roof tiles in general terms. Therefore, I consider that the standard condition requiring the use of matching external materials to be adequate.

Conclusion

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

Ian McHugh

INSPECTOR