



Appeal Decision

Site visit made on 11 January 2023

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023.

Appeal Ref: APP/W2465/D/22/3310342

11 Fitzroy Street Leicester LE3 5PQ

- 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 D Khera against the decision of Leicester City Council.
 - The application Ref 20220791, dated 7 April 2022, was refused by notice dated 25 August 2022.
 - The development proposed is the construction of a single storey extension at side of semi and alterations to house (Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the development and I note that the applicant's agent has also utilised this description on the appeal form. I have used the Council's description as this provides a more accurate description of the development.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the host dwelling and the area, and (ii) the living conditions of the occupiers of the neighbouring dwelling, 14 Dane Street, with regard to outlook/any overbearing impact and the occupiers of the host dwelling.

Reasons

Character and Appearance

4. The appeal property, No 11 Fitzroy Street, (No 11), is a small semi detached dwelling set back from the road. There is a hardstanding to the front of the dwelling, next to a small landscaped area of public open space. As a result of the bend in the road there is no consistency in the siting and orientation of the dwellings which, on this side of Fitzroy Street, have differing styles and designs. The proposal is to construct a side extension on what is the 'wedged-shaped' garden at the side and rear, with the side elevation following the splayed line of the plot's side boundary with No 14 Dane Street (No 14).

5. Whilst the proposed extension would be single storey and with a mixed part flat roof and part pitched roof profile, by reason of its overall width, infilling the entire side of the plot, and height it would appear as a large incongruous addition. The blank front and side elevations would result in the extension appearing to have a considerable mass and bulk. As such it would dominate and not appear subservient to the host dwelling. Notwithstanding the orientation and style of dwellings on this side of Fitzroy Street, it would appear as an awkward addition to the existing dwelling within the streetscene and would cause harm to the character and appearance of the area.
6. I appreciate that when in full leaf existing vegetation in the landscaped area would limit views of the blank front elevation. I note too the comments of the agent for the appellant in relation to the public ownership of this area. Be that as it may, the land is not within the control of the appellant and there would be no guarantee that the vegetation would not be pruned or removed in the future. Whilst I note too the internal layout of the proposed ground floor, the lack of fenestration in this instance would contribute to an unsatisfactory appearance for the extension, and the dwelling as a whole.
7. I therefore conclude that the proposal would fail to respect the character and appearance of the host dwelling and the area. As such it would be contrary to CS Policy 3 of the Leicester City Core Strategy (adopted 2014) (Core Strategy) and Policy PS10 of the City of Leicester Local Plan (Local Plan). Together these policies require development to contribute positively to the character and appearance of the local built environment in terms of amongst other things scale, height, and massing. The proposal would also fail to comply with guidance within the Leicester City Council Residential Amenity Supplementary Planning Document (SPD) which requires development not to adversely affect the quality and appearance of the surrounding area. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.

Living Conditions

8. The orientation of the dwellings in this location is such that the rear elevation and garden of No 14 Dane Street (No 14) face towards Fitzroy Street with a joint side boundary with No 11. The proposal would add a significant amount of built form close to this boundary. Although the roof of that part of the extension closest to the boundary would be flat, due to its height, length and proximity, the overall impact of the proposal would have an overbearing and domineering effect for the occupiers of No 14.
9. There is an open aspect directly to the rear of No 14. Nonetheless the combined height and length of the extension would appear as a large blank high wall for a significant length close to the boundary. As such it would result in an unacceptable sense of enclosure and dominance to the occupiers of No 14 when in the rear ground floor rooms of their property or the rear garden. The SPD contains within Appendix G a range of guidance intended to ensure that residential extensions do not impair the living conditions of neighbours. As such, notwithstanding that the 45 degree rule may not apply in this instance, the proposal would be contrary to the overall advice contained therein that extensions should not dominate a neighbour's outlook to the point of being oppressive.

10. There is no fenestration proposed in the front or side elevation of the extension, other than to the proposed ground floor bedroom. The proposed open plan living/dining area would be served only by a double door. Whilst the provision of roof lights in the proposal would give a degree of light to the areas they would serve the proposal would provide a poor outlook to these habitable spaces. On the information before me, I am not persuaded that such arrangements would afford the present or future occupiers of the dwelling with an acceptable degree of amenity.
11. I therefore conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of both No 14 and No 11. The proposal would therefore be contrary to the amenity protection aims within Policy PS10 of the Local Plan and the Framework. It would also fail to comply with guidance within the SPD which protects residential amenity.

Conclusion

12. For the reasons stated I hereby dismiss the appeal.

K Winnard

INSPECTOR