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# Appeal Decision

Site visit made on 31 January 2023

**by D Wilson BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 February 2023**

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**Appeal Ref: APP/X2410/D/22/3307553**

**35 Firfield Avenue, Birstall, Leicester LE4 4DS**

- 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 Jason Parsons against the decision of Charnwood Borough Council.
  - The application Ref P/21/2510/02, dated 24 November 2021, was refused by notice dated 2 September 2022.
  - The development proposed is the demolition of existing side and rear extension and erection of a new side extension, rear extension and raising the roof to allow for a larger bedroom area and a family annex area.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the host property and surrounding area.

## Reasons

3. The appeal property is a two-storey detached house located in a sub-urban area of Birstall. Firfield Avenue is made up of two-storey houses which have open frontages with low walls or hedgerows. This results in the area having an open and spacious character.
4. The style and design of housing varies along Firfield Avenue. However, the appeal property and the adjacent property at No.33, are of a similar design of house, due to the lower height and pitched roof, and as such they are generally identical in outward appearance. They are also smaller in height, width and length than neighbouring properties, and therefore due to the unique design and features, these properties contribute positively to the character and appearance of the area.
5. The proposed development would be significant, and due to the width, length and raising of the roof height would greatly increase the mass and scale of the property to an unacceptable degree, to the detriment of the character and appearance of the host property.
6. The proposed alterations would also change the outward appearance of the property which would destroy the symmetrical relationship with No.33. Furthermore, this combined with the design of the proposal and the proportions of the host property changing by virtue of an increased height, width and

length, would result in the property appearing bulky, incongruous and standing out within the street scene to an unacceptable degree.

7. The appellant has referred to other development in the area, however, I do not have the precise circumstances of the schemes as to why the developments were acceptable, thus being comparable. However, in respect of No's. 603 and 605 Loughborough Road I saw at the time of my visit that the character of Loughborough Road is different to the appeal site whereby the properties occupy larger plots and are set back from the road which is lined with mature trees and hedgerows which results in those developments being less visible.
8. I also saw the extensions at No's. 52 and 54 Firfield Avenue, which lie opposite the site. These are a different design when compared to the appeal proposal and blend in with the sloping sides which are common features with the design of the properties on Firfield Avenue. In any event, I have dealt with the appeal on the basis of the evidence before me, and my site observations.
9. I therefore conclude that the proposal would cause harm to the character and appearance of the host property and surrounding area. It would be contrary to Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) and Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 1991-2006 (2004) which amongst other matters seek to ensure development responds positively to their context, be of high quality design and remain compatible with the original dwelling.
10. It would also be at odds with the Design Supplementary Planning Document (2020) which provides guidance on respecting and enhancing local character. The proposal would also be contrary to the general design objectives of the Framework.

### **Other Matters**

11. Much of the appellant's case concerns the conduct of the Council in allegedly providing a poor service during the consideration of the planning application. I note the appellant's frustration with the Council, but I have given this limited weight. Moreover, this is a future matter for the appellant and Council to resolve through the Council's complaints procedure.
12. I acknowledge that the overall length of the property would not change, and the proposal would provide some visual enhancements to the existing building, in regard to leaks, lack of insulation and plastic panelling. The proposal would allow for improvements to the property's driveway and insulation which would reduce heating costs. I also have no reason to conclude against the Council's assessment that the proposal would not result in any overlooking. However, these matters would not outweigh the harm I have identified, as such I have given them limited weight.
13. The appellant has referred to a property that he has renovated in Thurmaston. However, from the very limited information before me, the merits and context are different to those of the appeal proposal.
14. I note that the proposal would provide additional space for the appellant and an elderly, disabled relative as well as freeing up a family home in Thurmaston. In this regard, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with

protected characteristics and others. Following careful consideration of these particular matters I am satisfied that the impact of dismissing this appeal is proportionate and justified.

15. The appellant has referred to being able to make improvements to the pavement should this appeal be allowed. Nonetheless, the pavement is outside of the appeal site red line and as such, it is not a matter before me to consider.

### **Conclusion**

16. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

*D Wilson*

INSPECTOR