The Planning Inspectorate

Appeal Decision

Site visit made on 20 April 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/W2465/D/23/3315906
114 Lutterworth Road, Leicester, LE2 8PG

- 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 Max Raja against the decision of Leicester City Council.
- The application Ref 20221865, dated 27 September 2022, was refused by notice dated 11 November 2022.
- The development proposed is the construction of single-storey extensions at the front; a single-storey extension at the rear; a roof conversion; roof lights to the front; and a dormer extension at the rear.

Decision

1. The appeal is allowed and planning permission is granted for the construction of single-storey extensions at the front; a single-storey extension at the rear; a roof conversion; roof lights to the front; and a dormer extension at the rear at 114 Lutterworth Road, Leicester, LE2 8PG in accordance with the terms of the application, Ref 20221865, dated 27 September 2022, and the plans submitted with it, 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 development hereby permitted shall be carried out in accordance with the following approved plans: PL-E-001, PL-E-002, PL-E-003, PL-E-004, PL-P-001, PL-P-002, PL-P-003, PL-P-004. PL-SP-001, PL-SP-002.

    3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The Council has not raised any concerns with regard to the proposed front extension or the roof dormer, and I concur with that view. On that basis, the main issue in this case is, therefore, the effect of the single-storey rear extension on the living conditions of the occupiers of neighbouring properties by way of light, overshadowing and outlook.

Reasons

3. No 114 is a detached house sited within a very long plot on the eastern side of Lutterworth Road. It has a two-storey rear extension across the southern part of the rear elevation, and a small single-storey extension between the two-storey extension and the boundary with No 112. The property includes a very

long rear garden. The proposal would include the construction of a flat-roofed, single-storey rear extension, projecting beyond the existing two-storey extension by some 6 metres, and with a height to eaves of around 2.5 metres.

4. Saved Policy PS10 of the City of Leicester Local Plan (LP) indicates that in determining planning applications the Council will take into account the amenity of existing residents, including issues of light, privacy and overshadowing.

5. The Council's Supplementary Planning Document on Residential Amenity (SPD) indicates, in Appendix G, that extensions should not cause any significant loss of daylight to the main windows of principal rooms of neighbouring properties, or spoil the outlook from such windows or the gardens of those properties. With regard to rear extensions, it indicates that on a detached house a single-storey rear extension deeper than 3 metres may be acceptable, subject to the consideration of 45 degree guidelines and provided it does not appear unduly dominant when viewed from adjoining properties. The 45 degree guidelines state that a single-storey rear extension deeper than 3m on or close to the boundary should not go beyond a line taken at 45 degrees from the centre of the ground-floor window of any principal room in an adjoining property.

6. The Council contends that the proposed rear extension would intersect a 45-degree line drawn from the main rear principal window of 116 Lutterworth Road and would cause detrimental harm in terms of loss of light, overshadowing and outlook. In addition, it would have a detrimental overbearing impact on No 112, while the depth of the proposal would enclose the gardens of 112 Lutterworth Road and 110b Lutterworth Road.

7. The appellant contends that the proposed extension would be only a little over 2.5m high and that there is a high mature hedgerow on the boundary between Nos 112 and 114 that would effectively shield it from view from within the rear gardens of Nos. 112 and 110b Lutterworth Road. In addition, there is a 3.8m separation between the side elevation of the proposed rear extension and the boundary shared with Nos. 112 and 110b. With regard to No 116 Lutterworth Road, it is contended that the additional projection of the proposed extension would not have an unacceptable impact on outlook from the rear of the dwelling at No. 116 due to the separation distance.

8. The existing dwelling is sited well back from the front boundary, but retains a very long rear garden area. The rear extension would be a little under 4 metres away from the boundary with Nos 112 and 110b, and around 1.5 metres from the boundary with No 116. The boundary with Nos 112 and 110b currently comprises a substantial hedge of between around 2.5 metres and 3 metres in height. The boundary with No 116 currently comprises a 2 metre high wooden fence. The proposed rear extension would have a height to eaves of around 2.5 metres, with a depth of around 6 metres and a width of over 7 metres.

9. With regard to Nos 112 and 110b, the extension would lie to the south, but by virtue of its restricted height and its significant distance from the boundary, it would not result in any significant loss of light or any overshadowing to these properties. For similar reasons, I do not consider that it would appear unduly dominant when viewed from adjoining properties. I acknowledge that there can be no guarantee that the substantial high hedge would necessarily remain in place in the future, but any of the occupiers could erect a 2 metre high

boundary treatment at any time, and the proposed extension would be barely visible above such a boundary while at such a distance from it.

10. With regard to No 116, the house here is set much closer to the front boundary than the appeal dwelling and, as a consequence of this, the rear elevation of No 116 is some 9 metres behind that of the house at the appeal property. The existing two-storey rear projection at No 114 already cuts the 45 degree from the nearest ground-floor rear window at No 116, and the proposed extension would project a further 6 metres beyond the existing rear elevation. However, the extension would be around 1.5 metres from the boundary between the two properties and would only be around 0.5 metres higher than the existing boundary fence. On this basis, it would not appear unduly dominant when viewed from the rear of No 116.

11. The appeal property lies to the north of No 116. The appellant has produced a sun path analysis which indicates that the proposed extension would have negligible actual impact on the light received by the rear windows at No 116 or in the rear garden, and even then only for a very short time during the summer months. I do not consider that this would be significantly harmful. Moreover, No 116 also has a very long rear garden and the extensive open views provided by this garden would not be affected by the proposal.

12. In conclusion, therefore, for my reasons stated above, I find that the proposed extension would not result in any significant harm by way of loss of light or overshadowing to the occupiers of No 116, nor would it result in any significant loss of privacy or detriment to outlook for the occupiers of any of the neighbouring dwellings. It would, therefore, not be harmful to living conditions, and it would not conflict with Policy PS10 of the LP or with guidance on residential amenity as contained in the SPD.

Conditions

13. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR