



Appeal Decision

Site visit made on 11 July 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/W2465/D/23/3322233

14 Cheltenham Road, Leicester LE4 0LB

- 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 N Patel against the decision of Leicester City Council.
 - The application Ref 20221672 dated 22 August 2022, was refused by notice dated 16 March 2023.
 - The development proposed is construction of single storey extension at front, side and rear; first floor and two storey extension at side of house.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of single storey extension at front, side and rear; first floor and two storey extension at side of house at 14 Cheltenham Road, Leicester LE4 0LB in accordance with the terms of the application Ref: 20221672 dated 22 August 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: Drawing Nos: 20/01-000-01, 20/01-002-04, 20/01-004-04, and 20/01-005-04.
 - 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 Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.
3. Amended plans were submitted prior to the application's determination by the Council revising the design of the proposed development: Drawing Nos: 20/01-002-04, 20/01-004-04, and 20/01-005-04. I have considered this appeal on the basis of the amended plans submitted.

Main Issues

4. The main issues in this appeal are the effect of (i) the proposed development on the character and appearance of the host property and area in general; and (ii) the rear extension on the living conditions of occupiers of 12 Cheltenham Road.

Reasons

Character and Appearance

5. The site is a semi-detached two storey property within a predominantly residential area. Whilst semi-detached the garage attached at the side of the property adjoins the garage of the adjacent property similar to others within the area. The proposed development is substantial in scale and includes porch and canopy at the front, single storey extension to side and rear; first floor and two storey extension at side of the property.
6. The Leicester City Council, Residential Amenity Supplementary Planning Document (2008) (the SPD) confirms that if a garage is level with the front of the house, the first floor should be set back by at least 1 metre. The proposed side extension does not comply with this guidance.
7. Notwithstanding this, it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
8. During my site visit I observed different forms of first floor side extensions within the immediate area, some flush with the front wall of the original property and garage below, some set 1m back or less. These extensions may have been in place prior to the adoption of the SPD. Notwithstanding this I noted that one first floor side extensions set back approximately 1m was in line with the first floor side extension of the adjacent property, which created a staggered yet continuous terraced facade.
9. The aim of the SPD is to minimise a terracing effect, the roof ridge level of the proposed two storey side extension is lower than that on the existing property, the set back of approximately 0.3m, and the slight difference in levels between No. 12 and the appeal site. The appeal site being marginally elevation aides in minimise the terracing effect. It is also noted that No. 12 does not have a first floor extension over the existing garage. Whilst the proposed first floor extension is not set back 1m, it would adhere to the aims of the SPD.
10. The porch and canopy proposed to the front of the property are similar to others in the immediate area.
11. The single storey rear extension has an asymmetric design to minimise any effect on the living condition of the occupiers at No. 16 Cheltenham Road, this is not a common design feature within the area. The SPD cites single storey rear extensions deeper than 3m should not go beyond a line take at 45° from the centre of the ground floor window of any principal room in an adjoining property. The proposed development complies with the guidance due to the chamfer.
12. The SPD states that odd wedge shaped extensions designed to comply with this rule are unlikely to be acceptable. Notwithstanding this the design appears contemporary and would not be an incongruous addition to the property.

13. Combined the proposed development whilst substantial would not dominate the streetscene due to the limited views of the development as a whole. Due to the presence of No. 12 Cheltenham Road's large rear single storey extension the appearance of the extensions from the rear would not appear overbearing or out of keeping.
14. I conclude that the proposed development would not harm the character and appearance of the host property and area in general. There is no conflict with Policy CS03 of the Leicester City Core Strategy (2014) (the Core Strategy) which amongst other things seek to ensure developments are of high quality design which respects the existing property and contributes to the surrounding area.
15. There is no conflict with the National Planning Policy Framework (2021) (the Framework) which seeks amongst other things to ensure developments are of good design which adds to the overall quality of an area.

Living Conditions

16. The proposed front extension is similar to others within the immediate area and would not harm the living conditions of neighbouring properties. Similarly, the proposed first floor and two storey side and rear extension would not harm the living conditions of neighbouring properties.
17. The proposed single storey rear extension was amended to project 3m from the rear elevation of the host property and then chamfer the extension away from the boundary shared with No 16 Cheltenham Road. Whilst the chamfer is only proposed on one side of the extension this would not harm the outlook of the occupiers of No. 16.
18. No. 12 Cheltenham Road has a single storey rear extension in place which is set away from the shared boundary with the appeal site, no windows face onto the appeal site from the side of this extension. No. 12's extension is of a similar projection from the rear of original property than the proposal before me. I find that the proposed rear extension would not harm the living conditions of the occupiers of 12 Cheltenham Road.
19. There is no conflict with saved Policy PS10 of the City of Leicester Local Plan 1996-2016 (2006) and Policy CS03 of the Core Strategy which amongst other things seek to protect the amenities of occupiers of neighbouring properties. There is no conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

20. I have imposed conditions relating to the standard time limit for commencement of development and plans to be adhered to as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
21. For the above reasons I conclude that this appeal should be allowed.

C Pipe

INSPECTOR