



Appeal Decision

Site visit made on 07 September 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11.10.2023

Appeal Ref: APP/T2405/D/23/3324242

8 Cranberry Close, Braunstone Town, Leicestershire LE3 3DL

- 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 Mrs S Ahmed against the decision of Leicester City Council.
 - The application Ref: 23/0087/HH, dated 01 February 2023, was refused by notice dated 31 March 2023.
 - The development proposed is described as a "Single storey rear extension, two storey side extension and loft conversion"
-

Decision

1. The appeal is allowed and planning permission granted for the erection of a single storey rear extension, two storey side extension and loft conversion at 8 Cranberry Close, Braunstone Town, Leicestershire LE3 3DL in accordance with the terms of the application, Ref: 23/0087/HH, dated 01 February 2023, 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 referenced;

2304/01/100 – Block and Location Plan

2304/01/200 – Existing GA Plans

2304/01/250 – Existing Elevations Sheet 1 of 2

2304/01/251 – Existing Elevations Sheet 2 of 2

2304/01/300 – Proposed GA Plans Sheet 1 of 2

2304/01/301 – Proposed GA Plans Sheet 2 of 2

2304/01/350 – Proposed Elevations Sheet 1 of 2

2304/01/351 – Proposed Elevations Sheet 2 of 2

2304/01/300a – Proposed Parking Provision

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

Procedural matters

2. The description of development in the banner heading above, and formal decision, has been taken from the Council's decision notice. This description differs from that which is contained in the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Nonetheless, I have used the one given on the decision notice as it is more concise.
3. On my site visit I observed that the development of a side and rear wrap around extension had commenced at ground floor level. Notwithstanding this, I have considered the appeal based on the plans submitted with the application.

Main Issues

4. The main issues are the effect of the proposed development:
 - a) on the living conditions of No.6 Cranberry Close by reason of overbearing and overshadowing; and,
 - b) on highway safety by reason of insufficient parking.

Reasons

Living Conditions

5. The appeal site is a two storey, semi-detached dwelling which is located on a small cul-de-sac comprising a mix of two storey detached and semi-detached dwellings. The dwelling is set back from the public highway with garden area and off-street parking to the front.
6. The land levels of Cranberry Close rise up from Westover Road, with the appeal dwelling being at a higher land level than No.6. Within the rear garden of No.6, positioned along the shared boundary is a large outbuilding. A canopy projects from the front of this building. The building covers a substantial proportion of the rear garden of No.6.
7. The proposed extension would be constructed up to the shared boundary with No.6, with the two-storey element being located next to the driveway of that property. The two-storey extension would include a flat roof. The lack of any hip or gable would result in a subservient addition compared to the scale of the existing dwelling. The orientation of the properties is such that the cast of any additional shadow would be limited to the morning only. The effect of any additional shadowing would be largely limited to the driveway and over the existing buildings in the rear garden, rather than the remaining garden area. Therefore, given the design, orientation and the existing context, the effect any additional overshadowing to external areas is likely to be limited.
8. Likewise, while the extension would be constructed up to the boundary and at a higher land level, the overbearing nature of the development would be limited to the driveway rather than the wider garden area. The effect of which would not be significant.
9. Within the side elevation of No.6 is a ground floor door which leads to the kitchen, and a small window to a w/c. At first floor is a landing window. I do not have any detail of what the Council considers to be a habitable room.

However, a landing and w/c generally would not be considered to main living areas, and therefore less sensitive to the effects of development. The kitchen door is not the main source of light to that room, which are provided to the rear and as such is a secondary opening serving that room. While there may be some reduction of light to these rooms in the early morning, given the rooms which the windows serve or the secondary nature of the openings, the effect on living conditions would not be significant.

10. For these reasons, the proposed development would not have an unacceptable effect on the living conditions of No.6 Cranberry Close by reason of overbearing and overshadowing. Therefore, the proposed development accords with DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) (the "LP"), which, amongst other things, seeks to provide satisfactory relationships with nearby uses.
11. Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) (the "CS") relates to design matters and as such is not relevant to the first main issue.

Highway Safety

12. The appeal proposals seek to hard surface the whole width of the front garden to provide off-street parking. The proposals would result in an uplift in bedrooms at the property and the Council indicate that at least 3 off street parking spaces would be required. The submitted plan shows two off-street parking spaces, however this does not utilise all of the hard surfaced area. It is possible therefore that a further vehicle could be parked off-street on the hard surfaced frontage. While this may be for a smaller vehicle, or a larger vehicle which is not parked perpendicular to the highway, I am satisfied that more than two vehicles could be parked off-street to comply with standards.
13. In any event, Cranberry Close is a small cul-de-sac, serving a limited number of dwellings. Vehicular movements along the street would therefore be limited. All of those properties benefit from off-street parking and there is some opportunity for additional on-street parking. At the time of my site visit, I did not find on-street parking along Cranberry Close, or the nearby Westover Road, to be overly saturated with on-street parking. I appreciate that this is just a snapshot in time. However, given the limited number of dwellings on the street and number of associated vehicular movements, I am not persuaded that the addition of one additional vehicle parked on-street would result in hazardous conditions leading to unacceptable harm to highway safety.
14. For these reasons, I find that the proposed development would not have an unacceptable effect on highway safety through insufficient parking. Therefore, the proposed development accords with DM8 of the LP, which, amongst other things, requires development to provide for an appropriate level of parking provision.

Conditions

15. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. A condition requiring the development to be carried out in materials matching

those of the existing building is necessary in the interest of the character and appearance of the area.

Conclusion

16. For the above reasons the appeal is allowed.

D Cleary

INSPECTOR