



Appeal Decision

Site visit made on 07 September 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.10.2023

Appeal Ref: APP/W2465/D/23/3323820

7 Delaware Road, Leicester, Leicester City LE5 6LG

- 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 Ms Fatima Shaikh against the decision of Leicester City Council.
 - The application Ref: 20230198, dated 13 March 2023, was refused by notice dated 05 May 2023.
 - The development proposed is described as a "Raised ridge height; construction of single storey and two dormer extensions at front; single storey and 1.5 storey extensions at side including dormers; single storey and dormer extensions at rear; alterations to dropped kerb at front; and, alterations to house"
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development in the banner heading and formal decision above has been taken from the Council's decision notice which is also referenced in the appeal form. This description differs from that which is contained in the application form. At Part E of the appeal form it is stated that the description of development has not changed but, different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, I have used the one given on the decision notice and appeal form as it provides greater clarity of the development, albeit I have removed wording that are not acts of development.
3. The appellant has submitted an Arboricultural Impact Assessment in their appeal documentation to address the second reason for refusal, relating to trees and hedges. As this is a householder appeal, the Council and third parties have not had an opportunity to review the content of the documentation and, as such, are deprived of the opportunity to comment. I have therefore not considered this documentation in my consideration of the appeal, which has been assessed on the basis of the application documents in this regard.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - existing trees and hedges to the rear of No 18 Bathurst Road.

Reasons

Character and Appearance

5. The appeal site is located within a predominantly residential area. The character of the area is one of varied form, type, scale and age. The appeal dwelling is one of 4 detached bungalows which have a variety of hipped and gable roofs. Two-storey detached and semi-detached dwellings are located on the opposite side of Delaware Road. There is a marginal incline on Delaware Road meaning that the appeal dwelling is at a slightly higher land level than its neighbour, No 5 Delaware Road (No 5).
6. The appeal dwelling is a modest bungalow of L-shaped footprint with a rendered front facing gable addressing Delaware Road. The dwelling is set back from the highway with an area of hard landscaped garden to the front and driveway to the side.
7. The front extension would be modest in overall projection and would be set back from the projecting gable. Similarly, the side extension would be set back from the existing gable. Therefore, the siting and scale of the front and side extensions would not dominate the existing dwelling with the projecting gable remaining the main architectural feature of the property. The existing eaves height would be retained and while the ridge height would be increased, the degree of change would not be significant. The proposed dormer windows would be modest in size, appropriately positioned within the roof slope and would be aligned with openings at ground floor level.
8. To the rear, a flat roof dormer window is proposed which would be partially visible from the street scene and more so from nearby properties. The dormer would be set down from the ridge, and away from the gable elevations resulting in clear surrounding roof slope. Given its position within the roof slope, the dormer would appear as a subservient addition and would not be a dominate addition to the dwelling.
9. The proposal seeks to render the whole property. The existing dwelling is a mix of render and facing brickwork, and there are dwellings nearby which are wholly or predominantly rendered. Given the existing use of render and the prevalence of render in the surrounding area, the loss of visible brickwork would not be harmful to the overall character of the dwelling or surrounding area.
10. Cumulatively, the proposed extensions and alterations would result in some loss of original form and character. However, the general form and visual scale of the dwelling as a modest bungalow would be retained, and the proposed extensions would not overwhelm the host dwelling or result in an incongruous form of development.
11. The side extension would fill much of the gap between No 5, therefore bringing development closer to that property. The other bungalows within this small row are closely spaced and therefore the development would not be inconsistent with the existing pattern of development. Furthermore, the flat roof garage to No 5 would ensure that some visual permeability between the dwellings would remain. The raising of the ridge height, along with the marginal difference in land levels, would mean that the dwelling, and its flank gable, would be more

visible when approaching along Delaware Road. However, the overall increase in height and mass would not be so significant that the development would be visually overbearing or dominate the modest scale of No 5. There is a variety of design and form of dwellings in the area, and given this lack of uniformity, the proposed development could be accommodated without appearing prominent or incongruous.

12. For the above reasons, the development would not harm the character and appearance of the area. Therefore, the development would accord with Policy CS3 of the Leicester City Core Strategy (2014) (CS), Appendix G of the Leicester City Council Residential Amenity Supplementary Planning Document 2008 (SPD), and the National Planning Policy Framework 2023 (the Framework). Together, amongst other things, these seek to achieve high quality design in new developments.
13. Saved Policy PS10 of The City of Leicester Local Plan (2006) (LP) relates to residential amenity matters and, as such, I do not consider it relevant to the first main issue.

Effect on trees and hedges

14. The Council considered that they had insufficient information to determine the effect of the development on trees and hedges. To the rear of No 18 Bathurst Road (No 18) is a group of coniferous trees which overhang the boundary with the appeal site.
15. The streetscene is characterised by close-knit built form. Existing trees and hedges are of amenity value as they help to soften and visually break up the extent of buildings in the area. As a group these landscape features at No 18 are of some amenity value to the area, particularly from the private spaces, and also serve to screen the appeal site from No 18. On my site visit I also observed a substantial tree to the rear of No 5. This tree projects above the roof line of buildings and is prominently visible in the wider public realm and, as such, is also of amenity value to the area. The proximity of the development is such that these landscape features may be affected by the proposed development.
16. Notwithstanding the close proximity of the development to these trees and hedges, no detail was submitted to accurately plot or to categorise them. Furthermore, no information was provided to demonstrate the effect that the development would have on these landscape features, future pressures, and any mitigation that may be required.
17. Therefore, the development could have a potentially harmful effect on hedgerows and trees which would be contrary to saved Policy UD06 of the LP, which seeks to protect trees with amenity value, and paragraph 131 of the Framework, which seek to ensure that existing trees are retained wherever possible.
18. Paragraph 43 of the Framework relates to pre-application engagement and is not relevant to this main issue.

Other Matters

19. I acknowledge the neighbour's comments with regard to the effect of the development on living conditions. However, due to the separation distances and relatively modest scale of the proposed development, consistent with the Council's views I find there would be no harm to nearby residents living conditions with particular regard to outlook or privacy. Furthermore, any noise or disturbance generated through construction would be limited to the length of the construction period for the relatively modest proposal.

Conclusion

20. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR