



Appeal Decision

Site visit made on 20 December 2023

by Alison Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/W2465/D/23/3333889

37 Park View, Leicester, LE3 6SJ

- 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 S Cooper against the decision of Leicester City Council.
 - The application Ref 20231487, dated 11 August 2023, was refused by notice dated 5 October 2023.
 - The development proposed is the construction of two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) has been updated since the parties' appeal submissions were made. However, as the revisions do not affect the matters under consideration in this appeal, it was not necessary to seek further comment.

Main Issue

3. The effects of the proposal on: (i) the character and appearance of the local area; and (ii) the living conditions of the occupiers of the host property in respect of private amenity space and penetration of light into the rear of the building.

Reasons

Character and Appearance of the Area

4. 37 Park View is located on the east side of the junction between Park View and Wessex Drive. Properties on both Wessex Drive and Park View have open plan style frontages. The rear and side of the appeal property is bounded by a wooden fence (approximately 1.8m high). The adjacent property on the opposite side of Wessex Drive and closest to Park View is orientated towards Wessex Drive and faces the flank elevation of the appeal property and its boundary fence. The front elevation of the appeal property faces an area comprising trees and vegetation, with footpaths leading to parkland. There is a detached property on the opposite side of Park View set back from the highway at the entrance to the parkland.

5. Although fronting Park View, the appeal proposal relates equally to the housing development along Wessex Drive in its orientation. Distinct features of Wessex Drive are the open frontages with the building line set back from the highway. Space retained between the dwellings contributes to a sense of privacy notwithstanding the open frontages.
6. The proposed two storey extension would extend to the back edge of the Wessex Drive footpath, and, therefore much further forward than other properties along this part of the road. The primary windows would be sited within the front and rear elevations, thus the elevation facing Wessex Drive would be comprised almost wholly of brickwork save for two very small windows close to the roof. This would reinforce the imposing presence of the extension in the street scene.
7. The proposed extension would fail to contribute positively to the character and appearance of the surroundings by reason of its height, size, and prominent position at the junction of Wessex Drive. The design would create an extensively blank two storey elevation to Wessex Drive which would appear incongruous to the open and spacious character of the area.
8. This conflicts with Policy CS3 of the Leicester City Core Strategy (2014) (CS) which, in relation to urban form and character, seeks that development contributes positively to an area's character in terms of scale, height, density, layout, urban form, high quality architecture, massing and materials. The first reason for refusal cites conflict with the City of Leicester Local Plan 2006 (LP) saved Policy PS10. However, since this policy is concerned with residential amenity matters, it adds little to my consideration of this main issue.
9. It also conflicts with the Leicester City Council Residential Amenity SPD (February 2008) (SPD) which seeks that extensions do not adversely affect the quality and appearance of the surrounding area and states that extensions forward of a consistent building line will normally not be acceptable.
10. The proposal is also at odds with the Framework which seeks good design that is sympathetic to local character.

Private Amenity Space and Light Penetration

11. The proposed extension is substantial in relation to the size of the appeal property and would result in a significant reduction in the amount of the private amenity space available to occupiers. The parties disagree on the amount of private amenity space that would be retained and the appeal plans do not provide a clear indication. However, based on the limited information available and my site visit, the Council's figure of 80sqm appears more realistic. As such the proposal would conflict with requirement of the SPD to provide 100sqm of private amenity space for detached houses in the Outer Area.
12. The reduced external private area, together with the height, size and dominance of the two-storey extension would also result in a reduction of sunlight to the back of the house in the evening. This impact on its own does not warrant refusal as the impact on the occupiers' living conditions in terms of light penetration would be limited.
13. Saved Policy PS10 of the LP seeks to provide residents with a quality living environment, including acceptable levels of privacy and overshadowing. Although the proposal does not conflict in terms of light penetration to the

building, it is at odds in respect of the amount of private amenity space. It also conflicts with the SPD, which requires extensions to be in keeping with the scale and character of the host dwelling and Framework paragraph 135(f) which advises that places should promote health and well-being, with a high standard of amenity for users.

14. The second reason for refusal cites conflict with Policy CS03 of the CS. However, since this policy is concerned with matters relating to character and appearance, it adds little to my consideration of this main issue.

Conclusion

15. For the above reasons, having regard to the development plan as a whole, I conclude that there are no material considerations, including the Framework, that outweigh the conflict with the development plan in this case. The appeal should be dismissed.

A Hartley

INSPECTOR