



Appeal Decision

Site visit made on 14 December 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/W2465/D/23/3330764
91 Barbara Ave Leicester LE5 2AE

- 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 Aisha Master against the decision of Leicester City Council.
 - The application Ref: 20221384 dated 05 July 2022 was refused by notice dated 05 October 2022.
 - The development proposed is Single & two storey side extensions, lifting roof, internal alterations and detached garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matter:

2. The appellant's submission refers to a 'scaled back proposal' within the appeal statement, however the appeal process is not intended as a means to evolve proposals and the merits or otherwise of such amendments (which are in any event incomplete) are not before me to consider. In the interests of clarity I confirm this determination relates to that which is set out in drawings identified as 2022 BBA [20] 001C and 2022 BBA [20] 002B.

Main Issue

3. The main issues are the effect of the proposal upon (a) the living conditions of neighbouring users and (b) character and appearance of the area.

Reasons

Neighbouring users

4. The appeal site (No.91) is a detached two storey dwelling located on a shallow plot at the end of a suburban avenue of mid twentieth century housing. The disposition of the appeal site at the junction with Uppingham Road is such that the adjacent property, 336 Uppingham Road (No.336) lies in close proximity to the existing built form of No.91 which extends beyond the rear elevation of its neighbour and the shared boundary of which partly encloses the rear amenity area of No.336.
5. No.91 and its rear amenity area is set significantly above the level of the adjacent property separated at the rear by a panel fence. The proposal would add built form along a large proportion of this intervening boundary to a height, which, although identified as single storey, would in consequence of the level

differences, be perceived as much greater. The proposal also intends additional accommodation at roof level which would add height to the existing roof profile. Although No.91 has a foregarden area which is not well-overlooked and a rear garden which is well screened, the main private amenity areas to No.336 lies at its rear which faces north. The combined effect of these works would be a substantial increase of unrelieved built form on the east side of the main private amenity area to the adjoining property in which regard availability of open sky and sunlight is an important consideration due to its orientation and angled boundary.

6. Overall, these observations direct a conclusion that the combined effects of infilling the existing space between the dining and kitchen areas on the ground floor up to the shared boundary, together with its significant rearward extension along that boundary, would reduce access to such sunlight as may be available to users of No.336 *and* unacceptably add to the existing sense of overbearing enclosure due to the significant additional mass proposed combined with the levels difference at the boundary. The proposal would conflict with Policy PS10 of the City of Leicester Local Plan which (at d) requires good design solutions to prevent harmful impacts on the amenity of neighbouring users.

Character and appearance

7. The appeal site, No.91 presents 'side-on' to Barbara Avenue but has a principal elevation facing south across Uppingham Road, with a well enclosed foregarden. This property incorporates a number of architectural features and treatments which set it apart from the relatively ubiquitous suburban housing which surrounds it. Most notable of these is the distinctive use of English bond brickwork with contrasting headers and nicely detailed chimneys. The detailing of features such as the bay window, entrance door surrounds and the fenestration pattern echo an arts and crafts influence which add significantly to its distinctive character. Whilst it would be a supposition to indicate that No.91 pre-dates the surrounding development¹, it is clearly an individually designed property of high quality in terms of its external appearance that makes a positive and, set within a ubiquity of suburban house types in the vicinity, important positive contribution to the street scene at this prominent location.
8. The works proposed would remove chimneys, increase the height of the main house and generate a rear extension. Overall, so extensive would be the works proposed, with increased height, various extensions, dramatic changes to fenestration, entrance location and dormer/gable additions that the resulting building would be tantamount to a new building. If treated as alterations it is far from clear how these would be implemented without deleterious impact to, for instance, the appearance of wall surfaces and brickwork resulting from the alterations to fenestration or removal of projecting flues from the face of walls. The proposed design shows little attention to, or concern with such issues or with attempts at design and detailing which might, if sensitively handled, facilitate suitably-sized extensions and alterations.
9. I find the proposal would cause significant harm to the host dwelling and negate its generally positive contribution to the street scene. I therefore find

¹ And there are indication of sympathetic alteration and extension to the property

significant conflict with Policy CS03 of the Leicester City Core Strategy which requires development to respond positively to surroundings and make a positive contribution to an area's character and appearance in terms of urban form and high quality architecture.

Other Matters and Conclusion

10. The appellant's submission incorporates a narrative around the progress of pre-application and post-submission communication. Whilst I note what has been stated, such matters lie outwith the planning merits of the proposal upon which this decision is to be made². Consequently, having taken all matters raised into account, I conclude, for the reasons set out, that the proposal would conflict with the development plan taken as a whole such that this appeal cannot succeed.

Andrew Boughton

INSPECTOR

² It would seem that no costs application has been made