

Appeal Decision

Site visit made on 19 March 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/W2465/D/24/3337037

46 Myrtle Road, Leicester, LE2 1FT

- 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 Nurjhabahen Ibrahimbhai Kanmi against the decision of Leicester City Council.
 - The application Ref 20231810, dated 22 September 2023, was refused by notice dated 14 November 2023.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area; whether the proposal would provide acceptable living conditions for future occupiers, with regards to outlook and private amenity space; and its effect on the living conditions of the occupiers of Number 48 Myrtle Road, with regards to outlook and daylight.

Procedural Matters

3. The appellant submitted new plans to the Planning Inspectorate which were received two working days before the appeal site visit. These plans were for a different form of development to that considered and refused by the Council and subsequently the subject of this appeal. The plans were returned to the appellant.
 4. The Council makes errors in its decision notice and there are errors on the submitted plans. The Council mistakes Number 44 Myrtle Road for Number 48 Myrtle Road and the plan showing existing and proposed elevations mistake Number 44 Myrtle Road for Number 42 Myrtle Road.
 5. Further, in its decision notice, the Council appears to mistake the appeal property for Number 44 Myrtle Road.
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Reasons

Character and appearance

6. The appeal property is a two storey mid-terrace dwelling located in a residential area. The terrace is built to the pavement edge and has a small garden to the rear.
7. The surrounding area is characterised by the presence of long rows of two storey mid-Victorian terraced houses. Built to the pavement edge, the terraces have a densely developed urban form to the front, with only the occasional small street tree providing greenery.
8. In contrast, to the rear, the presence of gardens backing onto gardens provides for a sense of greenery and spaciousness. The presence of trees and the general absence of large rear extensions contributes to this green and spacious character.
9. Like other dwellings in the street, the appeal property has a rear outrigger which projects at two storey height across around half the width of the terrace. This provides for a gap between the side elevation of the outrigger and the common boundary with Number 48 Myrtle Road. Nos 46 and 48 Myrtle Road each have a large rear-facing ground floor window serving a main living area. These windows look out across this gap to the garden area behind.
10. The proposed development would comprise a single storey extension situated such that it would retain the gap between the outrigger and common boundary but would then extend across the full width of the garden and would project for some considerable distance to the rear.
11. This would result in a development within the garden well beyond the area's common rear building line. As a consequence of this, combined with its scale, the proposal would draw attention to itself as a large and incongruous addition.
12. The harmful impact of the above would be exacerbated as a result of the proposal extending across the full width of the garden, such that it would unduly dominate the appeal property's garden and would appear as a prominent and dominant feature within its surroundings.
13. Furthermore, in extending across the full width of the property, the proposal would leave what would appear as an awkward gap between the side of the outrigger and the common boundary with No 48. This would add to its incongruous appearance.
14. In addition, the proposal would result in a considerable reduction in the size of the rear garden. This would be to the detriment of the area's green and spacious qualities.
15. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Core Strategy¹ Policy CS03; to Local Plan² Policy PS10; and to the Council's Residential Amenity Supplementary Planning

¹ Reference: Leicester City Local Development Framework Core Strategy (2014).

² Reference: City of Leicester Local Plan (2006).

Document (2008), which together amongst other things, seek to protect local character.

Living conditions – future occupiers

16. As above, the proposal would extend across the full width of the rear garden. Whilst a gap would be retained between the main rear elevation of the dwelling and the extension, this would be small and the outlook from the main rear-facing ground floor window would be dominated by the proposed development. The proposal would loom large in views from the window and effectively block off views to the rear garden beyond.
17. This would result in a poor outlook from the dwelling's main living area. In addition, the proposal, due to its width and length, would fill a large part of what is already a relatively small garden. I find that this would only leave a very small garden area, such that there would be little room for general use and enjoyment.
18. Taking all of the above into account, I find that the proposed development would not provide acceptable living conditions for future occupiers, with regards to outlook and private amenity space. This would be contrary to the National Planning Policy Framework; and to Local Plan Policy PS10, which together amongst other things, seek to protect residential amenity.

Living conditions – 48 Myrtle Road

19. As noted above, like the appeal property, No 48 has a rear-facing ground floor window that looks out to the rear garden area. The proposed development would reach the shared rear boundary between Nos 46 and 48 and would result in a tall structure extending for a considerable distance immediately alongside No 48's garden.
20. Whilst a small gap would be retained in the area between the existing outrigger and boundary fence, preventing a harmful reduction in the amount of daylight reaching the rear of No 48, the height, projection and immediate proximity of the proposed extension would result in it looming above a significant length of the boundary fence. I find that this would result in the proposal dominating the outlook from the rear window of No 48 to an overbearing degree.
21. Given this, I find that the proposed development would harm the living conditions of the occupiers of No 48, contrary to the National Planning Policy Framework; to Core Strategy Policy CS03; to Local Plan Policy PS10; and to the Council's Residential Amenity Supplementary Planning Document (2008), which together amongst other things, seek to protect residential amenity.

Conclusion

22. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR