



Appeal Decision

Site visit made on 12 June 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/L2440/D/24/3342355

27 Highfield Drive, Wigston, LE18 1NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Noormohamed against the decision of Oadby and Wigston Borough Council.
 - The application Ref is 24/00018/FUL.
 - The development proposed is demolition of existing garage at rear, construction of two-storey extension at side, single-storey extension at front and rear and part demolition of boundary wall at front of the house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage at rear, construction of two-storey extension at side, single-storey extension at front and rear and part demolition of boundary wall at front of the house at 27 Highfield Drive, Wigston, LE18 1NN in accordance with the terms of the application Ref 24/00018/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Dwg No. 1350-MPD-XX-ZZ-DR-A-1100 / Rev P03; Dwg No. 1350-MPD-XX-ZZ-DR-A-1200 / Rev P04; Dwg No. 1350-MPD-XX-RL-DR-A-0300 / Rev P03; and Dwg No. 1350-MPD-XX-ZZ-DR-A-1400 / Rev P04.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The proposed windows on the flank elevations of the development hereby permitted, shall be fitted with obscure glass and shall be of a non-opening design up to a minimum height of 1.7 metres above the internal finished floor level. The windows shall not be replaced or altered without the prior written permission of the Local Planning Authority.
 - 5) Prior to the first use or occupation of the development hereby permitted details of a hard and soft landscaping scheme to include details of boundary treatments, proposed planting and details of a parking and manoeuvring layout, in accordance with the provisions of the Leicestershire Highways Design Guide, shall be submitted to and approved in writing by the Local Planning Authority. The development

shall be completed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Main Issues

2. The main issues are:

- The effect of the proposal on the character and appearance of both the existing dwelling and the streetscene; and
- Whether adequate amenity space would be retained for the occupants of the appeal dwelling.

Reasons

Character and Appearance

3. The appeal property is a detached two-storey dwelling, which is situated within a residential estate. Dwellings in the vicinity of the site vary in terms of their scale and appearance and a number have been extended and altered since they were originally built. These include first-floor and two-storey side extensions.
4. The proposal would add significantly to the property by demolishing the existing garage at the rear and constructing a two-storey side extension, with a single-storey rear extension and a front porch. In addition, the front boundary wall would be partially demolished to create a wider access and parking area.
5. The Council contends that the proposal would be an overdevelopment of the site due to its size and positioning close to the boundaries of the plot. It considers that it would conflict with Policies 6 and 44 of the Borough of Oadby and Wigston Local Plan 2011-2031 (LP), which (amongst other things) seek to ensure that the design of new development is of high quality and is in keeping with the character and appearance of the area. These policies also accord with paragraph 135 of The National Planning Policy Framework 2023, which contains similar provisions.
6. In reaching my decision, I have also taken into account the advice contained in the Council's Supplementary Planning Document – Residential Development 2019 (SPD), which advises that extensions should appear subordinate in relation to the existing dwelling. However, the SPD is a guide only and each case should be considered on its merits.
7. I have already stated that the proposed extensions would be large in comparison to the existing property. However, that does not always mean that large additions are unacceptably harmful. Other large extensions are evident nearby and, in that respect, the proposal would not appear at odds with the mixed character and appearance of the streetscene. In addition, the design and materials would complement the existing dwelling and space at first-floor level between the appeal property and the neighbouring dwelling would be retained.
8. Consequently, on this issue I conclude that the proposal would not be harmful to the character or appearance of either the streetscene or the existing dwelling.

Amenity Space

9. The Council considers that the proposal would result in the lack of private amenity space for the occupants of the dwelling. It cites a conflict with Policies 6, 15 and 44 of the LP, with Policy 6 seeking to control development on garden land. However, this appears to relate to infill development rather than extensions to dwellings.
10. Further guidance on this matter is contained in the Council's SPD, which advises that 2/3-bedroom dwellings should have a private rear garden space of 75 sqm and 100 sqm for 4/5-bedroom properties. Whilst the appellant accepts that the proposed amenity space would be less than the SPD advises, the starting point is, in my opinion, the existing position and how the proposal would compare to that.
11. I observed at my site visit that the existing undeveloped rear garden space is relatively small. It is also irregular in shape with an area at the rear of the existing garage that is of little benefit to the existing occupants. The demolition of the garage and the erection of the rear extension would result in a retained garden of a more conventional rectangular shape, that would be more useable and attractive for the occupants. Furthermore, the quantum of development at the rear of the dwelling would not appear significantly different. Accordingly, on this issue I conclude that the proposal would not result in an overdevelopment of the site and that adequate private amenity space would be retained for the occupants of the dwelling.

Conditions

12. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard time condition relating to the period for commencing the development, I have also imposed a condition specifying the approved plans. To ensure a satisfactory appearance, a condition is also imposed required the use of external materials that match the existing dwelling.
13. To ensure the privacy of the occupants of the neighbouring property, a condition is imposed which requires the windows in the side elevation of the extension to be fitted with obscure glass and non-opening up to a height of 1.7m above finished floor levels.
14. A condition requiring details of boundary treatments (including any landscaping) and the layout of parking and manoeuvring areas to be submitted and approved, prior the extensions being occupied is also imposed. This is necessary to protect the amenities of neighbouring residents and in the interests of highway safety.
15. The Council has also suggested a condition that would prevent roof alterations or extensions without the approval of the planning authority. The removal of permitted development rights is rarely justified and should only be imposed in exceptional circumstances. In this case, I am not persuaded that the condition is either justified or necessary.
16. Finally, I also consider that a condition restricting occupancy of the building is not justified. The creation of two separate dwellings would require planning permission in its own right and, therefore, the suggested condition is not necessary.

Conclusion

17. For the reasons given above, it is concluded that the appeal be allowed

Ian McHugh

INSPECTOR