



Appeal Decision

Site visit made on 8 July 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/L2440/D/24/3343551

1 The Fairway, Oadby, Leicestershire LE2 2HH

- 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 Mohammed Shoyab Umar against the decision of Oadby and Wigston Borough Council.
 - The application Ref 23/00442/FUL dated 6 November 2023, was refused by notice dated 5 April 2024.
 - The development proposed is two storey side and rear extension, with associated landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side and rear extension, with associated landscaping works at 1 The Fairway, Oadby, Leicestershire LE2 2HH in accordance with the terms of the application, Ref 23/00442/FUL and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Site Plan 134_007 Rev P2
 - Site Plan including landscaping 134_006 Rev P2
 - Ground Floor Proposed Plan 134_011 Rev P1
 - Upper Floor Proposed Plan 134_013
 - Roof Proposed Plan 134_015
 - Proposed Elevation North West 134_030 Rev P2
 - Proposed Elevation West 134_031
 - Proposed Elevation South West 134_032
 - Proposed Elevation South 134_033
 - Proposed Elevation South East 134_034
 - Proposed Elevation East 134_035
 - Proposed Elevation North East 134_036
 - Proposed Elevation North 134_037
 - Proposed Gates Entrance 134_810

Proposed Gates Exit 134_811

- 3) The external surfaces of the development hereby permitted shall only be constructed using the materials shown on the approved plans.
- 4) The development hereby permitted shall be carried out only in accordance with the tree protection methodology set out in the document "Arboricultural Method Statement – Proposed Construction of Extension at 1 The Fairway Oadby; Tree Aware UK Ltd, March 2024" and the approved Tree Protection Plan "Tree Protection Plan, 79034-6-02".
- 5) The development hereby approved shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include a plan indicating vegetation and trees to be planted including a schedule of their size and number, any hardstanding treatment, sufficient specification to ensure successful establishment and survival of new planting, and an implementation programme. The landscaping works shall thereafter be carried out in accordance with the approved details in accordance with the agreed implementation programme.
- 6) Any new tree(s) or new planting that die, are/is removed, become(s) severely damaged or diseased within 10 years of planting, shall be replaced in the next available planting season in accordance with the details approved pursuant to Condition 5.

Preliminary Matter

2. I saw that some building works had been undertaken at the appeal site, including the removal of the previously existing car port. As works had not significantly progressed, I have considered the proposal on the basis of the provided plans, as amended during the planning application.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The area within which the appeal property is located is characterised by generally large, detached properties set back from the road and set within generous grounds. The appeal property is reflective of this and occupies a prominent location at the junction of The Fairway and Gartree Road. It is orientated such that the front elevation addresses the apex of the junction, rather than either road directly, meaning that direct views of the front elevation are restricted.
5. The property has been previously extended with additional wings added to the side elevations and exhibits a pleasing symmetry. I understand that a covered car port previously existed at the eastern extent, however this was not present at the time of my visit.
6. The appeal proposal, in combination with the previous extensions would represent a cumulatively substantial addition to the property. However, it would remain subordinate to the property as it currently exists, and the size of the garden means that it would not result in overdevelopment. The character of

the original building, although changed, would nevertheless remain legible. In this respect, the proposal would not be harmful.

7. Being focused upon the eastern side of the appeal property, the proposal would lead to some unbalancing of the existing symmetry. However, given the orientation of the property and the fact that the proposal would predominantly be situated behind and to the side of the house, it is likely that views where the proposal would be read in the context of the front elevation would be limited. Accordingly, its effect on the character and appearance of the wider area in relation to any loss of symmetry would also be minor.
8. The Council raised no concern in relation to the roof design of the proposed extension, or the location or design of the proposed car port, and I have no reason to disagree.
9. Overall, the proposal would not harm the character and appearance of the area. It would therefore be in accordance with Policies 6 and 44 of the Oadby and Wigston Local Plan 2011. Together and amongst other factors, these policies state that new development shall be of the highest standard of design and be in keeping with the area in which it is set.
10. It would also accord with advice within the Oadby and Wigston Residential Development Supplementary Planning Guidance, which states that residential extensions and outbuildings should remain subordinate to the main building, not have an unacceptably adverse effect on the visual amenities of the area or lead to an unacceptable reduction in open space around the dwelling.

Conditions

11. I have made amendments to the Council's suggested conditions, where necessary, in order to ensure clarity and compliance with the tests set out in Planning Practice Guidance and the Framework. In addition to the standard time limit condition, I have attached conditions requiring adherence with the approved plans and stated materials in the interests of clarity, and securing a satisfactory form of development in the interests of the character and appearance of the area. I have also attached conditions relating to the submission of hard and soft landscaping and the maintenance of such, again in the interests of the character and appearance of the area.
12. I have amended the Council's suggested condition in relation to tree protection in order to avoid duplication as the required information is contained within the Tree Protection Plan and the Arboricultural Method Statement. Adherence with these documents is required in order to safeguard the existing trees within the site during building works.

Conclusion

13. For the reasons given above, the proposal would be in accordance with the development plan, read as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate a decision should be taken other than in accordance with it. I therefore conclude that the appeal should succeed.

C Harding

INSPECTOR