



Appeal Decision

Site visit made on 1 August 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2024

Appeal Ref: APP/W2465/D/24/3343364

16 The Wayne Way, Leicester LE5 4PP

- 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 Mrs Anisha Sidat against the decision of Leicester City Council.
 - The application Ref is 20232400.
 - The development proposed is the construction of a double-storey extension at the front and rear, plus a single-storey to the rear of the house (Class C3).
-

Decision

1. The appeal is allowed and planning permission is granted for a double-storey extension at the front and rear, plus a single-storey extension to the rear at 16 The Wayne Way, Leicester LE5 4PP, in accordance with the terms of the application Ref 20232400, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: 9123/01, 9123/02, 9123/03, 9123/04 and 9123/05.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 4) Prior to the occupation of the proposed extensions, the east-facing first floor window serving the bathroom shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of any top opening light), and shall be retained as such thereafter.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the area; and
 - the living conditions of neighbouring occupiers, with particular regard to the outlook from the front of 14 The Wayne Way ('No 14').

Reasons

Character and appearance

3. The host sits at the end of a short residential terrace on The Wayne Way, with other buildings, including a community facility and a school, nearby. The

terraces from No 10 to 16 (evens), and from No 2 to 8 (evens), are finished with a mix of materials including brick, render and pebble dash, but have a fairly cohesive two storey form, and two storey front projections with either gables or hips.

4. As illustrated by plan No 9123/01, the front face of the proposed extension at No 16 would broadly align with the front projection at Nos 12/14. Compared to that development, and considered together with the host's existing front projection whose form it would largely match, it would have a broadly similar width measured across the front face.
5. Unlike the front projections at Nos 2/4, 6/8 and 12/14, this one would encompass just one property, but its height and proportions would respect that existing development. It would also be faced in matching materials, which would help to integrate it with the host, and assimilate it into the row.
6. Although there are no double hipped front projections in these two terraces, the approved scheme on this site (Ref: 20231679) ('approved scheme') has a similar style to this proposal, and in the context of the varied roof form of nearby buildings, the double hip here would not appear incongruous. This scheme would project slightly further to the front compared to the approved scheme, but it would still be set back by about 0.1 metre. That would provide a limited design break, akin to the contrasting finish on some of the terraces' other front projections, and would help to integrate it into this streetscene.
7. Additionally, the appellant has provided photographs of development in the wider area, including Green Lane Road, Broad Avenue and The Littleway which, whilst not identical to that proposed here, demonstrate that front facing, flush or only slightly recessed, infill and side extensions are not uncommon.
8. The Council does not object to the rear extension. Having regard to its siting relative to the public realm and to neighbouring properties, and to the fallback of the approved scheme, neither do I.
9. The scheme would not harm the character and appearance of the host property, the streetscene, or the area. It would not therefore conflict with those parts of Policy CS03 of the Leicester City Core Strategy (2014) which expect high quality, well-designed development that contributes positively to the character and appearance of the built environment, with reference to matters such as scale, height, form, massing and materials.
10. Nor would it conflict with the broadly similar approach at paragraphs 135 and 139 of the National Planning Policy Framework 2023 ('Framework'), which require development to reflect local design policies, and to be visually attractive and sympathetic to local character and the surrounding built environment.

Living conditions

11. Based on the submitted drawings, the proposed two storey extension would project about 0.7 metre further forwards compared to the approved scheme. The Council maintains that, unlike it, this proposal would thereby breach 45 degree lines drawn from the nearest front-facing ground and first floor windows at No 14, resulting in a detrimental impact on those occupiers' outlook.

12. I have not been provided with an annotated plan depicting 45 degree lines for this proposal. However, based on drawing No. 9123/03 which accompanied the approved scheme, it appears that this proposal would breach 45 degree lines drawn from the centre of No 14's ground floor living room window, and from the nearest edge of its first floor bedroom window. It would thus fail to accord with paragraph 2.4 of the Council's Residential Amenity Supplementary Planning Document 2008 ('SPD') which, whilst directed at rear extensions, is nonetheless relevant to the issue at hand.
13. However, as those windows are set in from the boundary and there is an intervening passageway, those breaches would be small, particularly at ground floor. Thus, whilst the extension would be visible from those windows, it would be off-set to one side, and the principal outlook from them across No 14's own front amenity space to the road beyond would be largely uninterrupted.
14. The appellant states that the occupants of No 14 wish to build a similar front extension at their property, and I have been provided with a letter of support from them. However, I have no such plans before me, and such a scheme would need to be assessed on its own planning merits. I have not therefore given that matter any weight in my decision.
15. The SPD constitutes guidelines, with each case assessed on its individual merits. Having regard to the circumstances here, and to the relatively small difference compared to the approved scheme, notwithstanding the slight conflict with the SPD, I am satisfied that the occupants of No 14 would not experience a harmfully adverse impact on their living conditions.
16. The proposal would not therefore conflict with Policy PS10 of the City of Leicester Local Plan 1996-2016 (2006) which, in broad terms, seeks to ensure a quality living environment for residents, having regard to matters such as visual amenity. It would also comply with Framework paragraph 135 f) which requires a high standard of amenity.

Conditions and Conclusion

17. I have considered the matter of conditions against the Framework's tests. As well as the standard time limit, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans. To ensure good design, and in the interests of the character and appearance of the host property and the area, I have imposed a matching materials condition.
18. Finally, given that a first floor window is proposed close to the plot's side boundary with the adjacent community centre, in the interests of privacy, a condition is necessary, broadly as suggested, requiring that it be obscurely glazed, and fixed shut, other than the top opening section.
19. Summing up, the scheme would not harm the character and appearance of the host property, the terrace, or the area; and it would not harmfully impact adjacent occupiers' living conditions. Consequently, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR