

Appeal Decision

Site visit made on 24 September 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2024

Appeal Ref: APP/W2465/D/24/3349763
755 Welford Road, Leicester, LE2 6HX

- 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 Singh against the decision of Leicester City Council.
 - The application Ref is 20240643.
 - The development proposed is a front single and two storey extension; side extension; rear extension and general elevational treatment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed development on the character and appearance of the area; and its effects on the living conditions of the occupiers of Number 749 Welford Road, with regards to outlook and daylight.

Reasons

Character and appearance

3. The appeal property is a two storey detached dwelling set well back from Welford Road behind a parking area, a low brick wall and hedgerow and a wide pavement and wide grass verge. The appeal dwelling has a small garden to the rear.
 4. It is located in a prominent corner position, close to Welford Road's junction with Highgate Drive, such that its parking area is accessed directly from Highgate Drive. It is located in a residential area, characterised by the presence of one and two storey detached and semi-detached dwellings.
 5. The appeal dwelling has been extended to the side at two storey height, such that one side reaches close to the pavement along Highgate Drive, being separated from it by a low brick wall, fence and narrow side garden area.
 6. To the other side, the appeal dwelling has a single storey extension. The juxtaposition of this with the immediate neighbouring dwelling, Number 749 Welford Road, a residential bungalow, is such that it is located close to and well forward of the closest front-facing window of No 749.
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7. The surrounding area is characterised by the presence of dwellings set within comfortable garden plots. The presence of gardens combines with that of wide grass verges and street trees along Welford Road and a large area of playing fields across Welford Road from the appeal site, to provide for a significant sense of greenery and spaciousness.
8. During my site visit, I observed that many dwellings in the area have been altered and or extended and that such changes generally appear in character with host dwellings and the surrounding area.
9. The proposed development would include large additions which would project to the front of the dwelling at single and two storey height and would have flat roofs. I find that these elements of the proposal would draw attention to themselves as prominent additions that would, due to their flat-roofed design, appear awkward and incongruous against the host property's existing pitched, gable and crown roofs.
10. The harm arising from this would be exacerbated by these elements of the proposal appearing as alien features in an area where no such additions exist.
11. Further to the above, I find that the proposed flat-roofed side extension would fail to match and would consequently appear as an awkward addition to, the existing dwelling.
12. 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 Saved Local Plan (2006) Policy PS10; and to Core Strategy¹ Policy CS03, which together amongst other things, seek to protect local character.

Living conditions

13. The proposed development would include a first floor extension to the side, taking the dwelling much closer to No 749 at a height of two stories. Given the juxtaposition of the two dwellings, as noted above, this would result in the two storey side extension sitting forward of No 749 in very close proximity.
14. I find that this would result in the proposed development appearing to loom above the boundary with No 749, affecting the outlook from the closest front-facing window to an overwhelming degree.
15. Further, I consider that the harm arising from this would be exacerbated as a result of the proposed development inevitably resulting in a reduction in the amount of daylight received by No 749, due to its proposed siting adjacent to and directly south of No 749's closest front-facing window.
16. Taking all of the above into account, I find that the proposed development would harm the living conditions of the occupiers of Number 749 Welford Road, with regards to outlook and daylight, contrary to the National Planning Policy Framework; to Saved Local Plan (2006) Policy PS10; to Core Strategy² Policy CS03; and to the Council's Residential Amenity Supplementary Planning

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

² Reference: Leicester City Local Development Framework Core Strategy (2014).

Document (2008) (SPD), which together amongst other things, seek to protect residential amenity.

Other Matters

17. In support of his case, the appellant refers to other developments and other decisions relating to properties within the wider vicinity. However, none of these comprise developments and/or circumstances so similar to the proposal the subject of this appeal as to provide for direct comparison. Notwithstanding this and in any case, I have found that the proposed development would result in significant harm and this is not something that is mitigated by the presence of other decisions or developments elsewhere.
18. One of the Council's reasons for refusal related to access, but there is no substantive evidence before me to support the Council's view that the proposal might prevent vehicles from accessing the property safely.

Conclusion

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

N McGurk

INSPECTOR