



Appeal Decision

Site visit made on 29 October 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/W2465/D/24/3350041
36 Windsor Avenue, Leicester LE4 5DT

- 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 A Pandya against the decision of Leicester City Council.
 - The application Ref: 20240657 dated 8 April 2024 was refused by notice 5 June 2024.
 - The application is for proposed single storey extension and alteration.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the living conditions of neighbours.

Procedural Matter

3. The description of development used in the heading above differs from that used on the Council's Decision notice and instead the description is that as used by the Appellant on their original application form. I consider that the description of development still accurately reflects the proposal before me and as such I have used this description accordingly.

Reasons

4. The appeal property is a detached, or marginally link detached, house within a very close knit but attractive tree lined residential suburb of Leicester. The property appears to have been extended previously and there is currently a brick lean too extension, part of which appears to potentially have been an old privy, that protrudes slightly from the rear of the house into a reasonably sized garden.
5. To the foot of the garden is the gable end of a neighbouring property on Royal Road and adjacent is number 38 Windsor Avenue that is located immediately to the east of the appeal site. Number 38 has two windows to the ground floor overlooking the rear garden area and these serve a habitable room with a small bay feature and a kitchen. The garden between these two neighbours is currently bounded by a timber fence.
6. The proposal before me seeks permission for a single storey extension that would run along near the entire length of the rear garden adjoining the

common boundary between the appeal property and number 38 Windsor Avenue. The extension would accommodate a wet room and ancillary spaces for the occupant who is disabled. Revised plans show the extension with a mono pitch roof which would take the ridge height of the proposal up to around 3.5 metres along the boundary.

7. The neighbour at number 38 Windsor Avenue has made representations that the mono pitch design would be their preference, and they have also indicated their intention to construct a similar extension along this common boundary in a similar style. However, I have no other specific information before me either to illustrate this proposal nor to enable me to make a judgement as to how likely it would be for this extension to occur. As such I can only give this possibility of an extension next door very limited weight.
8. In light of this, I must determine this appeal based upon the current situation and the likely effect that such an extension would have upon the living conditions of neighbours, whilst also paying attention specifically to the Council's Residential Amenity Supplementary Planning Document (SPD) which provides guidance on such matters.
9. In this case, the extension would be orientated immediately due west of the neighbour at number 38. Through the proposed height and extent of this proposal upon the common boundary, I must conclude that there would be some significant adverse affect upon the use of the rear garden and the rear windows of the neighbouring house through overdominance and overshadowing, especially in the winter. This effect would be made worse by the orientation of the two properties and it would be highly likely that parts of the garden at number 38 would never see any morning sun.
10. As such the proposal would cause harm to the living conditions of neighbours at number 38. Even when giving great weight to the obviously pressing need of the Appellant's to gain a downstairs wet room because of the disability of the occupant, I cannot allow this appeal without being fully confident that improvements for one neighbour would not result in harm to another.
11. As such, although I consider that there would be ways to create an extension here, perhaps jointly with the neighbour, so as to alleviate the Council's concerns and to achieve the space required, I ultimately conclude that the proposal would not be able to meet the requirements of the SPD nor would it conform to Policies CS03 of the Leicester Core Strategy (2014) or Saved Policy PS10 of the Leicester Local Plan, both of which seek to achieve a balance between the needs of residents in extending their homes and the protection of the amenities of neighbours.

Conclusion

12. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR