



Appeal Decision

Site visit made on 6 December 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/W2465/D/24/3348713
402-404 Narborough Road, Leicester LE3 2FR

- 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 Mr A Singh against the decision of Leicester City Council.
 - The application Ref: 20240718 dated 16 April 2024 was refused by notice 24 July 2024.
 - The application is for outbuilding to the rear of the properties (Class C3).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of the area and the effect of the proposal upon the living conditions of neighbours and residents at the appeal properties.

Reasons

3. The appeal properties are adjoining mid terrace houses of grand Victorian proportions that have seemingly undertaken a change of use to self contained flats. The houses are set back from the main Narborough Road with a front garden and there is an access passage between the two houses that gives access to the rear.
4. To the rear there are currently two gardens belonging to each property that are bounded by an original low brick wall that is similar to most other houses along this row. As a result of this low wall it is possible to see over and the rear aspect is a comparatively open one. Each property also exhibits fairly typical one and two storey outshut extensions that leave an area of yard space before a change of level leads one into the rear garden itself.
5. The proposal before me seeks permission to infill a good proportion of each garden with a flat roof outbuilding that would be constructed to the very end of the gardens and extend almost as far as the rear outshut of the houses. The two gardens of number 402 and 404 would be amalgamated and the division between them would be removed. The building itself would consist of two rooms joined by an interlinking double door with patio doors to each. The building itself would be around 2.5m in height and measure around 9.6 x 8.7m in footprint. The Appellant's statement also suggests that a green roof could be employed to the top of the building.

6. In assessing this appeal, I am aware of the well defined character of the area that generally consists of regular, open, gardens with low walls. The low height of the walls enables the rear spaces of both the appeal site and other properties to experience a level of openness that they would otherwise be unable to were the walls to be higher. Moreover, the general character and grain of the area is one whereby the regular open gardens form an important characteristic.
7. The proposal however would introduce a large footprint building that would be noticeably higher than existing boundary walls and other fences nearby. As a result, it would not only appear at odds with the overriding character of the area, but it would also harmfully enclose those other rear gardens that belong to other properties. As such there would be a harmful overdominance caused by this proposal as well as some likely overshadowing due to the orientation of the properties in this location.
8. In terms of the effect upon residents who live in the appeal properties, the proposal would effectively remove an area of garden space and would further enclose and reduce their rear amenity space. As such the proposal would represent something of an overdevelopment in this regard.
9. Ultimately this proposal would represent a harmful overdevelopment of this plot that would fail to respond positively to the character and appearance of the area and would also cause harm to the living conditions of neighbours through a harmful enclosure of what are currently relatively attractive, regular and useable rear gardens. Although a green biodiverse roof could offer some modest mitigation to the loss of garden areas, this would be very limited.
10. I therefore conclude that the proposal would not be able to meet the requirements of 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 and the character of an area.

Other Matters

11. The Appellant has referred to the regulations with regards Permitted Development with regards this scheme, however I have no evidence before me as to how or why this scheme would be deemed Permitted Development as outlined in the regulations. This is primarily due to the property being currently used as flatted accommodation and due to this scheme being concerned with development over two distinct plots of land that do not correspond to the curtilage of each property.

Conclusion

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

A Graham

INSPECTOR