



Appeal Decisions

Site visit made on 12 November 2024

by Mr Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 13 December 2024

Appeal A: APP/W2465/C/24/3337518

Appeal B: APP/W2465/C/24/3337519

8 Crown Hills Rise, LEICESTER, LE5 5DG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeals are made by Mr Petar Bogunovic and Mrs Rada Bogunovic against an enforcement notice issued by Leicester City Council.
- The notice was issued on 4 January 2024.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a single storey extension at the front of the property.
- The requirements of the notice are:
 1. Demolish the extension located at the front of the house as shown in Photo A attached as appendix 1.
 2. Remove all materials resulted from step 1 above.
- The period for compliance with the requirements is 3 months.
- The appeals are proceeding on the grounds set out in section 174(2)(a), (b) and (c) of the Town and Country Planning Act 1990 (as amended).

Summary of decisions: The appeals are dismissed and the enforcement notice upheld.

Appeal C: APP/W2465/D/23/3335799

8 Crown Hills Rise, LEICESTER, LE5 5DG

- 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 Peter Bogunovic and Mrs Rada Bogunovic against the decision of Leicester City Council.
- The application Ref: 20231543, dated 14 August 2023, was refused by notice dated 9 October 2023.
- The development proposed is as described on the application form as porch (veranda) to front of property.

Summary of decision: The appeal is dismissed.

Preliminary Matters

1. At my site visit I observed that the development has been partly completed and the appeals are determined on that basis.

Appeals A and B on ground (b)

2. The ground of appeal is that the breach of planning control alleged in the notice has not occurred. To succeed on this ground, it would need to be demonstrated that a single storey extension at the front of the property has not been erected on the land.
3. The appellant's main argument is that there is a safe wall and security fence to facilitate a request from the neighbour for privacy and the fence/wall is there to prevent overlooking and create privacy for the occupants of both dwellings.

The wall also provides a barrier to prevent people and objects falling onto parking areas and provides security.

4. From the evidence submitted and my own site observations it is clear to me that the matter alleged in the Notice has occurred as a matter of fact. It is a single storey structure on the front of the property which constitutes a front extension. Therefore, the appeals on ground (b) do not succeed.

Appeals A and B on ground (c)

5. The ground of appeal is that the matter alleged does not constitute a breach of planning control. The erection of a single storey extension to the front of the property comprises operational development within the meaning of s55 of the Act for which s57 indicates, planning permission is required.
6. I have taken account of the appellant's evidence with respect to the appeal on ground (c) which is, essentially, a duplication of his arguments under ground (b). Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) relates to the enlargement, improvement or other alteration to a dwellinghouse. Such development is not permitted if the enlarged part of the dwellinghouse would have a single storey and extend beyond a wall which forms the principal elevation of the original dwellinghouse. The extension in question extends beyond the original principal elevation of the host dwellinghouse and therefore does not benefit from permitted development rights.
7. Class D of Part 1 relates to the erection or construction of a porch outside any external door of a dwellinghouse. The ground area of the structure must not exceed 3 square metres, but in this case the ground area is approximately 4.6 square metres and therefore the development does not benefit from permitted development rights as a porch. Since no planning permission has been granted for the matter alleged in the Notice the development is a breach of planning control. As such the appeals on ground (c) cannot succeed.

Appeals A and B on ground (a) and Appeal C

8. The main issues are the effect on the living conditions of the occupants of an adjoining residential property with particular reference to light and outlook and the effect on the character and appearance of the area.

Living conditions

9. The neighbouring property known as 9 Crown Hills Rise is at a lower level than the appeal property. As a consequence, the extension is relatively high in relation to the front facing bedroom window at no. 9 and is in very close proximity to it. As a result of this relationship, the extension causes loss of light into the bedroom and furthermore, results in an undue enclosing effect on that window, harming the outlook. If completed pursuant to the submitted plans these effects would be increased.
10. As such the development has a harmful effect on the living conditions of the occupants of the adjoining residential property, 9 Crown Hills Rise, with particular reference to light and outlook. As such it conflicts with the National Planning Policy Framework (the Framework) and Policy PS10 of the Leicester City Local Development Framework Core Strategy adopted July 2014 which

requires development to give a high standard of amenity for existing and future occupiers.

Character and appearance

11. Crown Hills Rise comprises semi-detached residential properties, many of which have been extended and altered in different ways. The extension in question has been built on the front elevation of the original and extended part of the house. The house itself is in a relatively elevated position and the extension can be seen within the street scene. However, there is little consistency along the street with respect to the porches, extensions and other alterations that have already been carried out, including their scale, detailing and materials used.
12. Therefore, although it is clearly visible in the locality and taking account of the fact that it is not complete, the development is not visually dominating, nor does it interrupt or have a detrimental effect on any uniformity in the design of properties on Crown Hills Rise. It is not harmful to the character and appearance of the area and, as such, it accords with the Framework and Policy CS03 of the CS which expects high quality, well designed developments that contribute positively to the character and appearance of the built environment.

Other Matters

13. My attention has been drawn to a number of other matters, including health problems, litter, odours, algae and debris which accumulates outside the front of the house. The appellant contends that providing shelter deals with some of these problems and helps the house to adapt to climate change. It is also contended that the extension represents sustainable development and that no one should be disadvantaged or discriminated against.
14. I have concluded above that the development is harmful to the living conditions of the occupants of an adjacent residential property and therefore I do not consider the development to be sustainable. Furthermore, the advantages of the extension do not outweigh the harm I have found, above.
15. Therefore, although I can see that there may be some advantages associated with the extension and that there is no harm to the character and appearance of the area, I have concluded that there would be harm to living conditions. That is the overriding consideration in this case. Therefore, Appeals A and B on ground (a) and Appeal C should be dismissed.

Formal Decisions

16. For the reasons given above, I conclude that Appeals A and B should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).
17. For the reasons given above, I conclude that Appeal C should also be dismissed.

A A Phillips

INSPECTOR