



Appeal Decision

Site visit made on 4 December 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/L2440/D/24/3349526
22 Tythorn Drive, Wigston LE18 1BS

- 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 M Malik against the decision of Oadby and Wigston Borough Council.
 - The application Ref is 24/00144/FUL.
 - The development proposed is 2 storey side and rear extension; single storey rear extension; internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant submitted 2 sets of amended plans, late on in the application process. The second of these reduced the proposed 2 storey side/rear extension to a single storey with a flat roof. The appellant asks for the appeal decision to be based on that revised scheme.
3. The Government's guidance in *Making an application*¹ makes it clear that it is at the discretion of the local planning authority whether to accept changes to applications, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted instead. The Council did not register the amended plans in this case, considering that the single storey proposal was significantly and materially different from the originally submitted proposal. It decided the application on the basis of the previous plans, including the 2 storey side/rear extension.
4. I fully appreciate that the change from a 2 storey to a single storey extension would reduce some visual and amenity impacts of the proposal. The different design could nevertheless raise other issues. This would be a material change to the proposal and no public consultations have been carried out. As the Council has exercised its discretion not to register the amended plans, I must consider this appeal on the basis of the previous plans showing a 2 storey extension.
5. The appellant has not submitted any arguments in favour of the 2 storey scheme. That proposal still falls to be considered on its merits.

¹ <https://www.gov.uk/guidance/making-an-application#changes-after-validation-of-an-application>

6. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024, during consideration of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main issues

7. The main issues are the effects of the proposal on:
- i) The character and appearance of the house and the local area; and
 - ii) Living conditions at the neighbouring property 41 Brixham Drive.

Reasons

Character and appearance

8. 22 Tythorn Drive is a detached 2 storey house within a residential neighbourhood of houses and bungalows. Most of the buildings here have reasonably wide gaps between, at least at first floor level. This helps to preserve a spacious character. To one side, No 22 sits close to another 2 storey house, 20 Tythorn Drive, with only a narrow gap between. On the other side a flat roofed section (a converted garage) sits right up to the boundary with a low single storey bungalow, 41 Brixham Drive. The appeal proposal would replace or build over the garage to provide a 2 storey side extension that would wrap around to the rear, then drop down to a single storey next to No 20.
9. The proposed 2 storey section would stretch the upper floor and roof of the house to almost the full width of the plot, detracting from the spaciousness of this part of Tythorn Drive. It would also loom over the very close and much lower structure at 41 Brixham Drive. The lack of any set back from the main front wall would accentuate these effects. This part of the appeal proposal would therefore harm the street scene.
10. The Council also raises a concern about a low pitched roof at the back. Although this would not match the pitch of the main roof, it would keep the height of the rear 2 storey section down and would fit in with the varied roofscape, as seen from Brixham Drive. I therefore find no objection to this particular aspect of the proposal.
11. I nevertheless conclude that the appeal proposal would unacceptably harm the character and appearance of the house and the local area. It conflicts with Policy 6 of the Oadby and Wigston Local Plan 2011-2031 (LP), the Council's Residential Development Supplementary Planning Document (SPD) and the Framework, which aim to secure high quality design that respects local character. The Council also refers to LP Policy 44 here, but that landscape policy does not appear to be directly relevant.

Living conditions

12. 41 Brixham Drive has a ground floor window directly facing the existing single storey section of No 22 at very close range. I understand this to be the only window serving a habitable room. The side wall of the proposed 2 storey extension here would severely dominate and overshadow that window.
13. I conclude that the proposal would unacceptably harm living conditions at 41 Brixham Drive due to loss of outlook and light. In this respect the proposal

again conflicts with LP Policy 6, the SPD and the Framework, which also aim to protect local amenity.

Conclusion

14. The proposal conflicts with the development plan for the area. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR