



Appeal Decision

Site visit made on 17 January 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 4 February 2025

Appeal Ref: APP/W2465/D/24/3355079

48 Roslyn Street, Leicester LE2 1BW

- 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 A Chamdi against the decision of Leicester City Council.
 - The application Ref is 20241580.
 - The development proposed is single storey rear extension and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and alterations at 48 Roslyn Street, Leicester LE2 1BW in accordance with the terms of the application, Ref 20241580, dated 5 September 2024, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no: 2024/4/09/179 page 2, 3, 4, 6 and 7 of 7.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwellinghouse.

Main Issues

2. The main issues are:
 - whether the proposal would provide suitable living conditions for the occupiers of the property with regards to outdoor space; and
 - the effect of the proposal on the living conditions of No 50 Roslyn Street (No 50) with regards to outlook, and No 46 Roslyn Street (No 46) with regards to outlook and the provision of natural light.

Reasons

Living conditions of occupiers

3. The appeal site is a brick, two-storey, mid-terraced house, with a two-storey outrigger, and a small, single storey extension, which has been partially demolished. It has a long narrow yard to the rear reached by a short passageway

accessed from Roslyn Street next to the side elevation of No 40. At the end of the garden is a timber shed.

4. The proposed development is within a dense residential area of similar style terraced housing laid out in a grid. A characteristic of the area is the limited outdoor space at the rear.
5. The proposed rear extension would be the same width as the existing single storey extension. Therefore, it would retain the path between the building and the boundary with No 46. Whilst the extension would reduce the outdoor space that currently exists, it would provide a small, but useful wet room and toilet in a property of limited size. In any case, the size and narrowness of the plot already affects the functionality of this space. Whilst the timber shed further reduces the size of the rear garden, the appellant has stated that they intend to remove this if planning permission is granted. There is no evidence before me indicating that this would not take place.
6. Without the shed, an area, greater in length than the proposed extension, would be retained, which would provide outdoor space for the occupiers of the dwelling. Moreover, there is a high vertical timber fence between No 48 and No 46, and to the rear of the shed, between No 48 and No 50, which would provide privacy to this area.
7. I therefore conclude that the proposed development would not harm the living conditions of the occupiers of the property with regards to the provision of outdoor space.
8. The proposed development would accord with Policy PS10 of the Leicester Local Plan, 2006, (LP) and Policy CS03 of the Leicester City Core Strategy, 2014 (CS) which taken together requires design to contribute positively in terms of layout and form and provide a quality living environment for residents. Additionally, it would accord with paragraph 135 of the Framework.

Living conditions of neighbouring properties

9. To one side of the appeal site is No 50. The proposal would extend for an additional 3085mm beyond No 50's single storey offshot along the boundary between the properties. The single, pitched roof of the proposal, would be at the same height as the apex of the mono pitched roof on the existing extensions on No 48 and No 50.
10. The position of the proposed extension means that it would not be visible from the ground floor windows of No 50, only from 1st floor bedroom windows. Whilst it would be higher than the existing fence between the properties, it would only extend a limited distance along the boundary. Moreover, the design of the extension, in terms of height and roof form, would ensure that it would not result in a sense of enclosure. Therefore, the open aspect that the occupiers of No 50 currently enjoy in their outdoor space would be retained.
11. To the west of the appeal site is No 46. I saw that on the ground floor it had a window on the rear elevation, with likely a door, and small window to a kitchen on the side. However, the narrow passage next to the two storey offshot at No 48, and that at No 46, combined with the high fence between the two properties, already restricts light and provides a limited outlook from the rear of No 46.

12. Moreover, the existing rear extensions on No 48, already intersect the 45-degree line from the rear window of No 46. The proposed extension would be visible from this rear window, however, as it would be single storey, with a mono-pitched roof, it would not cause any greater harm with regards to natural light and outlook than currently exists.
13. Additionally, No 46 is an end terrace and so it has no adjoining development to the west. Therefore, the rear of the property is afforded more natural light and outlook than those properties that are mid-terrace and adjoin it.
14. I therefore conclude that the proposed development would not harm the living conditions of the occupiers of No 50 with regards to outlook, and the occupiers of No 46 with regards to natural light and outlook.
15. It would accord with LP Policy PS10 and CS Policy CS03 which collectively require residents to have a quality living environment as a result of positive design. Additionally, it would accord with paragraph 135 of the Framework.

Conditions

16. In addition to the standard implementation condition, a condition listing the plans is necessary to provide certainty over what has been approved. Furthermore, to ensure the satisfactory appearance and form of development, a condition ensuring that the materials match the existing house is necessary.

Conclusion

17. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

M J Francis

INSPECTOR