



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: 21 February 2025

Appeal Ref: APP/W2465/W/24/3352703

211 Scraftoft Lane, Leicester LE5 2HS

- 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 & Mrs Seedat against the decision of Leicester City Council.
 - The application Ref is 20240591.
 - The development proposed is demolition of house; construction of replacement two storey dwelling (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2024 and the main parties have been consulted on the implications of the revised Framework's publication on the appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - protected species.

Reasons

Character and appearance

4. The appeal site is a detached, two-storey dwelling located on a road of traditional, detached and semi-detached residential properties on the outskirts of Leicester. Next to it, and on the corner with Radiant Road, is No 213/215 Scraftoft Lane (No 213), a detached building with a convenience store on the ground floor and a flat on the 1st floor. On the other side of the host property is No 209 Scraftoft Lane (No 209), a detached, two-storey dwelling. This is lower in height than No 211 Scraftoft Lane (No 211), as the land slopes away towards the west.
5. The site is a long, linear, plot, which is open to the pavement at the front, with areas of gravel and overgrown vegetation, and hedges, to the sides. The existing house has a steeply pitched, tiled roof, with a prominent gable projection. It has been extended at the rear with a conservatory. The back garden is grassed over with some small trees and has a summer house, green house and shed towards

the rear. It is bounded by vertical wooden fencing and mature hedging, which stretches along the shared boundary with No 209.

6. The proposed development would infill the full width of the plot, other than a narrow gap between it and No 209. It would have a large prominent front gable projection, a moderately high porch and a two-storey side extension, whose roof height would be not much lower than the main roof of the house. Therefore, the proposed building would be excessively large for the width of the plot. The overall massing would be increased by the even larger, two storey projection to the rear, and a large single storey extension.
7. Other properties in the vicinity do have central projecting gables, including one at No 202 Scraptoft Lane (No 202). However, the gable on No 202 is much smaller and lower in height, and the house is within a wider plot, with a lower and subservient garage side extension. Moreover, despite the size of the house, there is space around the dwelling, as opposed to the proposed development which because of its height and closeness to the side elevation of No 213, appears too bulky and large for the site. Consequently, the proposed development at No 211 does not reflect the design and situation at No 202.
8. Whilst the apex of the roof of the proposal would be slightly lower than that found at No 213, the eaves level would be at the same height as the apex of the roof at No 209. This would appear to dwarf and dominate No 209, which would be exacerbated by the proposed house sitting forward within the plot, and forward of the front elevation of No 209. Although the front building line may vary further away from the appeal site, there is a general alignment between No 211 and the three adjoining properties to the west. Therefore, moving the site of the house further towards the road would add to the prominence of the proposal.
9. I observed that styles and materials vary amongst residential properties along this stretch of road, and that the proposed materials would be like other properties in the area. However, whilst the Framework states that innovation or change should not be prevented or discouraged, buildings should be sympathetic to local character and add to the overall quality of the area.
10. The proposal, particularly when viewed from the front, would as a result of its height and proposed massing, appear overly dominant and discordant in this location. I therefore conclude that the proposal would harm the character and appearance of the area.
11. It would conflict with Policy CS03 of the Leicester City Core Strategy, 2014, (CS) which requires new development to contribute positively to an area's character and appearance, including in terms of scale, height, layout and massing. It would also be in conflict with chapter 12 of the Framework.

Protected species

12. Government Circular 06/2005 (Biodiversity and Geological Conservation) states that it is essential that the presence, or otherwise, of protected species, and the extent to which they may be affected by the development, is established before planning permission is granted. There is a reasonable prospect that bats would be using the eaves and roof space of the existing house and so demolishing the property would destroy any potential roosts. Consequently, I need to take a precautionary approach.

13. As the proposal is not supported by an ecological survey, there is insufficient information to demonstrate that protected species would not be adversely affected by the proposed development. Whilst the appellant has suggested that a bat survey could be conditioned, the circular advises that this should only be done in exceptional circumstances, and I do not consider that to be the case here.
14. The proposal would conflict with Policy CS17 of the CS which requires ecological surveys and assessments to establish the presence or absence of protected species. It would also be inconsistent with the provisions of the Framework relating to conserving and enhancing the natural environment.

Other Matters

15. There are comments from third parties and the main parties on the effect of the proposal on the living conditions of the occupiers at No 209 and the flat at No 213/215. However, as I am dismissing the appeal on other matters, I do not need to consider this.
16. The appellant refers to a new house approved at 258-260 Scraptoft Lane which they consider sets a precedent for allowing different styles of housing. Whilst this was assessed under the same development plan policies as this appeal, I note from the submitted photograph that the height of the property is relative to housing either side, as opposed to the circumstances I have found at the appeal site. Notwithstanding this, the circumstances in each proposal are likely to be different, and in any event, the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and warrant a decision other than in accordance with the development plan.
18. For the reasons considered above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR