



Appeal Decision

Site visit made on 18 February 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/L2440/D/24/3357403

57 Aylestone Lane, Wigston, Leicestershire LE18 1AB

- 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 Neha N Khiraiya against the decision of Oadby and Wigston Borough Council.
 - The application Ref is 24/00273/FUL.
 - The development proposed is proposed single storey front, rear extension, two storey side, rear extension, drop kerbs and alterations
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effects of the proposed development on the character and appearance of the area: and
 - The effects of the proposed access arrangements on users, highway and pedestrian safety.

Reasons

Character and appearance

3. The appeal property is a two-storey semi-detached dwelling located within a residential area. This part of Aylestone Lane has an open park along its southern side and the northern side is characterised by properties set back from the road. The appeal property is located on the corner with Willow Park Drive and is set in from this boundary resulting in an attractive open environment.
4. The proposal would involve, amongst other things, a sizeable extension to the side and rear, which would subsume the host property when viewed from Willow Park Drive. This would be exacerbated by the continuous front lean-to element that would result in the proposed extensions wrapping around the host property. Taken together, the proposal would appear a disproportionate addition that would fail to harmonise with the scale and character of the host property.
5. Moreover, from Willow Park Drive, in combination with the extension on the opposite side of the road it would significantly reduce the open qualities of the street scene when approaching the junction with Aylestone Lane.
6. The proposed alterations to the front garden to hardstanding for parking vehicles would erode the soft landscaping that contributes positively to the character and

appearance of the host property. However, given the prevalence of hardstanding to the front of properties along Aylestone Lane I do not find this to be unacceptable in isolation.

7. Nonetheless, it adds to the harm from the bulk and massing of the proposed extension. Taken together, the reduction in the soft open qualities around the property, on a highly prominent site, in combination with the scale and massing of the proposed extensions would unacceptably harm the character and appearance of the area.
8. A similar development exists at No 59 Aylestone Lane on the opposite side of the road. However, it does not wrap around the front of the property to the same degree as the appeal proposal. Moreover, it served to confirm how such side and rear two-storey extensions can subsume, and not harmonise well, with the host property and confirmed how the proposal would be dominant in a corner location. In this regard, I do not consider that this example should justify a further erosion of the character and appearance of the area that would arise from the appeal proposal.
9. I therefore find that the proposal would have a harmful effect on the character and appearance of the area. The proposal would therefore conflict with the requirements of Policies 6 and 44 of the Oadby & Wigston Local Plan (2019) (Local Plan). These say, amongst other things, that proposals for new development and major refurbishment must create a distinctive environment by respecting the existing local and historic character, creating development that is of high architectural quality and ensuring patterns of development are sympathetic to their surroundings.

Proposed access arrangements

10. The Council has indicated that seven Personal Injury Collisions have been recorded within 500m of the proposed accesses in the five years prior to determining the application. Due to the appeal site's location on a corner near the junction with Willow Park Drive, near a pedestrian crossing and opposite a public park, as well as the numerous private driveways, drivers along Aylestone Lane are faced with increased cognitive demands.
11. The proposal for two access points is intended to enable users to enter one access and exit another all in forward gear. However, the plans do not demonstrate how such manoeuvring would take place, for example if two cars are already parked on site constraining the available space for the third car. In this regard, I am not satisfied that safe and suitable access to the site can be achieved for all users. Whilst three parked vehicles are shown on the plans, the plans do not demonstrate the available visibility at the access points, or how vehicles would enter, manoeuvre and exit within the site to demonstrate that the risks to highway and pedestrian safety would not be severe.
12. I accept that the existing parking space has restricted visibility due to the fence and pole. However, it exits onto Willow Park Drive where the level and speed of traffic is less than that along Aylestone Lane and it is further away from the junction, pedestrian crossing and park than the proposed access points. I am not therefore persuaded, that the existing situation has a greater risk to highway and pedestrian safety from manoeuvring vehicles than the proposal before me.

13. I accept that there are numerous other properties with access points onto Aylestone Lane and near junctions along the road. However, I must assess the scheme on the evidence before me and my concerns are not the principle of an access onto the road. Instead, it is the specific location of the appeal site, considering its existing parking provision and the absence of substantive evidence before me in relation to visibility and manoeuvring of the proposed arrangements. In this regard, the presence of other access points serving other properties does not justify the proposal before me.
14. I therefore find that the proposed access arrangements would have an unacceptable effect on users, highway and pedestrian safety. Accordingly, the proposal would conflict with the requirements of Policy 34 of the Local Plan and paragraphs 115 and 116 of the National Planning Policy Framework (2024), when taken together and in so far as they relate to this main issue. These say, amongst other things, that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

Other Matters

15. The proposal would not harm the living conditions of occupiers of neighbouring properties or block anyone's right of way. However, the absence of harm in relation to these matters does not outweigh my findings of harm in the main issues.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with that plan.
17. For the reasons given above the appeal should be dismissed.

Mr R Walker

INSPECTOR