



Appeal Decision

Site visit made on 16 April 2025

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref. APP/W2465/D/25/3361831

25 Rockley Road, Leicester LE4 0GJ

- 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 Mrs Anisha Patel against the decision of Leicester City Council.
- The application ref. is 20241290.
- The development proposed is: "Retrospective application for the construction of single storey extension at front and dormer extension at rear of house (Class C3); Construction of single storey outbuilding at side and balcony at rear of house".

Decision

1. The appeal is **dismissed** insofar as it relates to retrospective application for the construction of dormer extension at rear of house (Class C3); construction of balcony at rear of house.
2. The appeal is **allowed** insofar as it relates to retrospective application for the construction of single storey extension at front of house (Class C3); construction of single storey outbuilding at side of house and planning permission is granted for retrospective application for the construction of single storey extension at front of house (Class C3); construction of single storey outbuilding at side of house at 25 Rockley Road, Leicester LE4 0GJ in accordance with the terms of the application, ref. 20241290, and the plans submitted with it, so far as relevant to those parts of the development hereby permitted.

Preliminary matters

3. The description of the proposal in the heading above is taken from the Council's decision notice and the householder planning appeal form. It is more precise than the one provided on the application form.
4. The appellant says after making the application in July 2024, the Council took 6 months to determine it and eventually informed her that they had forgotten to register it. Whilst it is regrettable that the decision was not issued sooner than it was and the process was mismanaged, this does not affect the consideration of the proposal on its planning merits.
5. The Council has no objections to the single storey front extension which has been built to provide for a porch and an enlargement to the hallway or to the proposed

single storey outhouse/store that would be built next to the eastern side of the dwelling. I see no reason to reach a different view on those parts of the scheme.

6. Planning permission was granted in May 2024 under ref. 20240420 for 2 single storey rear extensions, front and rear dormers with a balcony at the rear and a garage adjacent to the access. This extant planning permission is an important material consideration which I have taken into account. There is no dispute that the rear dormer has been built larger than was approved, whilst the proposed rear balcony would also be larger than the one shown on the approved plans.

Main issues

7. The Council's objections are confined to the enlarged rear dormer and to the proposed balcony. I consider the main issues are firstly, with regards to the rear dormer extension, its effect on the character and appearance of the host dwelling and the locality and secondly, with regards to the proposed rear balcony, its effects on the character and appearance of the host dwelling and on the amenities of the existing and future occupiers of the dwelling, with particular reference to the potential for a loss of light and outlook.

Reasons

Site and surroundings

8. No. 25 is a detached bungalow with rooms in the roof space. The main core of the building has a large flat-roofed box dormer across the rear roof slope, as approved under ref. 20240420. There are subsidiary single storey gabled projections to 3 of its 4 elevations. Situated within the settlement limits of Leicester, the principle of extending the dwelling further is not at issue.
9. The appeal property occupies land behind another bungalow at no. 26 and the house at no. 24. It is a sizeable plot positioned well beyond the adopted southern end of Rockley Road. It is largely hidden away from the public realm. The western side elevation is however noticeable from private vantage points at the rear of some of the dwellings on Silbury Road and at the southern end of the shared rear access track that runs between the opposing back gardens of the dwellings on Rockley Road and Silbury Road.

The rear dormer extension

10. The original character of no. 25 remains substantially intact. The approved flat-roofed box dormer, although sizeable, is set within the original main rear roof slope. However, the limited height and width of the rear single storey gabled projection makes it near impossible for a similar flat-roofed dormer to be appropriately incorporated there, as is apparent in the development that has taken place.
11. The dormer extension runs through at the same height as the main approved dormer to form an overall L-shaped dormer, but this has been achieved by building over the roof ridge of the gabled projection along most of its depth. It has given the rear elevation an unbalanced arrangement and brought about a direct and awkward clash of roof forms. Taking into account the approved dormer, this part of the scheme has produced a significant, unbroken and bulky section of flat roof with a combined depth of 8.6m as seen in full along the western side elevation. The

subject development appears as an incongruous flat-roofed top-heavy addition rather than as a dormer window set unobtrusively into an existing roof slope.

12. Although it is not visible from the street, it visually dominates the original building, especially its rear and side elevations and roof form. In so doing, it eschews the guidance in the Council's Residential Amenity Supplementary Planning Document (SPD) adopted in 2008 and, compared to the approved scheme, represents a step in the wrong direction in terms of design, massing, shape, character, scale and proportion. The rear dormer extension's design, roof form and lack of coherence with the host building is disrespectful of and inappropriate to the character and appearance of the existing dwelling. The end result is visually undesirable and noticeable in the wider residential surroundings as seen from the private vantage points I referred to in paragraph 9 above.
13. I find on this issue that the rear dormer extension harms the character and appearance of the host dwelling and the locality. As it does not contribute positively to the built environment or its surroundings and is not of good quality design, there is conflict with CS Policy 3 of the Leicester City Core Strategy (LCCS) 2014.

Proposed rear balcony

14. At 6m by 5m, the proposed external balcony would have a very considerable floor area, equivalent to 2 reasonably sized rooms, about 4 times larger than the floor area of the approved external balcony and far wider than the first floor access door that would give access to it.
15. Although it would not be seen in public or private vantage points outside the site, it would not exhibit a domestic scale. Rather, it would be an incongruous and unduly dominant feature on the rear elevation and cause further disruption to the character and appearance of the host dwelling.
16. The sheer size of the external platform would be sufficient to dominate the ground floor windows to 3 habitable rooms. It would significantly reduce the daylight and sunlight reaching those rooms and through its visual impact, unacceptably impede the outlook from them, with views of the sky being mostly or completely eradicated. This would depart from the guidance in the SPD. However the 3 rooms are occupied by the existing or future occupiers, the balcony would result in a poor quality living environment at ground floor level. Since the outdoor amenity space associated with no. 25 is ample, this is not a case where the balcony would provide valuable outdoor space that would not otherwise be available and the Council did not raise concerns about shading on the patio.
17. I find on this issue that the proposed rear balcony would detract from the character and appearance of the host dwelling and spoil the amenities of the existing and future occupiers of the dwelling, with particular reference to the potential for a loss of light and outlook. There would be conflict again with CS Policy 3 of the LCCS and also with Policy PS10 of the City of Leicester Local Plan 2006 which aims to protect the amenity of existing or proposed residents.

Other material considerations

18. I acknowledge that the appellant wishes to increase the indoor space at the family home and provide a larger outdoor balcony whilst maintaining generous garden

space. I have also taken account of the absence of objections from local residents. Whilst I give weight to these other considerations, I have come to the view that they are not sufficient to outweigh the harm that I have described.

19. I have studied the appellant's commentary on the National Planning Policy Framework (the Framework). It is the case that most proposals to extend dwellings will reflect some of the aims of the Framework when read as a whole. However, good design is a cornerstone of the Framework and a key aspect of sustainable development. I consider that the rear dormer extension and rear balcony are ill-judged in design terms and would not achieve a well-designed place.
20. The Council had no objections in relation to neighbouring residential amenity, highways/parking, drainage/flooding/climate change and trees and landscaping. I see no reason to disagree on those matters. Still, my findings on the main issues are decisive to the outcome of the appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations.

Concluding comments

21. The Framework advises that local planning authorities should approach decisions on proposed development in a positive and creative way. As no material harm would result from the construction of the single storey extension at the front or the single storey outbuilding at the side, I shall issue a split decision on this appeal: this will permit those parts of the proposal but not the other parts of the development proposed, the construction of the rear dormer extension and the rear balcony.
22. I see no necessity for the 2 planning conditions the Council suggested in its Questionnaire for the parts of the development I am permitting. The single storey extension at the front has already been built so the standard condition specifying a time period for the commencement of development is not needed. Rather than use a separate condition, the submitted plans, so far as they are relevant, are referred to in the main body of the decision in the interests of certainty.
23. I find no other matters to outweigh the findings that have led to my decision on this appeal.

Andrew Dale

INSPECTOR