



Appeal Decision

Site visit made on 22 April 2025

by **Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/L2440/D/25/3360607

8 Waverley Road, Wigston, LE18 4UW

- 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 G Munden against the decision of Oadby and Wigston Borough Council.
 - The application Ref is 24/00341/FUL.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension at 8 Waverley Road, Wigston, LE18 4UW in accordance with the terms of the application Ref 24/00341/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans. Drawing Numbers: GA-3 REV 1; GA-5 REV 3; and GA-2 REV 6.
 - 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 building.

Main Issues

2. These are: the effect of the proposal on the character and appearance of the site and the existing dwelling; and the effect on the living conditions of the occupants of the adjoining dwelling at number 6 Waverley Road (number 6).

Reasons

Character and Appearance

3. The appeal property is semi-detached, two-storey dwelling, which is situated in a small cul-de-sac in a residential estate. The dwelling has been extended previously by the construction of a two-storey side addition. The property sits within a relatively large garden (a matter on which I shall return to later).
4. The appeal proposal is to construct a flat-roofed, single-storey rear extension that would cover the full width of the dwelling. It would be a relatively large addition, projecting out some 6m from the rear wall of the dwelling and abutting the shared side boundary with number 6.

5. The Council states that the proposed extension would overwhelm the property, particularly when combined with the previous two-storey side extension. Its decision notice states that the appeal proposal plus the earlier extension would result in a footprint that would be over three times the footprint of the original dwelling.
6. In addition, the Council considers that the proposal would be an overdevelopment of the site, in terms of its scale in relation to the original garden of the property. The Council notes that the garden of the property has been increased in size, and the status of the expanded area of land is questioned.
7. For the above reasons, the Council considers that the proposal would conflict with Policies 6 and 44 of the adopted Oadby and Wigston Local Plan 2019 (LP). These policies seek (amongst other things) to achieve high quality design and for development to be in keeping with the local area. These are consistent with the provisions of paragraph 135 The National Planning Policy Framework 2024 (NPPF).
8. The Council also refers to a conflict with its Residential Development Supplementary Planning Document 2019 (SPD). Amongst other things, the SPD states that residential extensions and enlargements should be in keeping with the character and appearance of the dwelling and should be visually subordinate.
9. The appellant refers to a Prior Notification submission to the Council which proposed a 6m deep single-storey extension at the rear of the property. That extension would cover more than half of the footprint proposed by this appeal. The Council determined that prior approval was not required. That decision is a material consideration and one on which I attribute significant weight in reaching my decision on this appeal.
10. Whilst the appeal proposal, when combined with the earlier two-storey side extension, could not be described as visually subordinate and it would be much larger than number 6, the proposed extension would be at the rear of the property and not visible from the public domain. In addition, the extension that was proposed under the Prior Notification procedure would have been a relatively large structure.
11. Furthermore, at my site visit, I noted that the area of extended garden was clearly in domestic use and I see no reason as to why its status should be questioned. Consequently, the development would not result in an overdevelopment of the site, given the now relatively generous size of the garden space.

Living Conditions

12. The Council states that the appeal proposal would have an adverse effect on the amenity of the occupants of number 6, due to the close proximity and depth of the extension. The extension would adjoin the shared side boundary with number 6 and I noted at my site visit that number 6 contains a main ground-floor window, which is positioned close to the side boundary, and which would be affected by the proposal. The Council points to the extension breaching a line drawn at 45 degrees from the neighbouring window and, as such, it would conflict with the advice contained in its SPD.

13. The Council's concerns are warranted, but the effect of the proposal on number 6 would be similar to the effect of the proposal submitted under the Prior Notification procedure. I also note that the occupants of number 6 have not objected. Given this fallback position, I am unable find against the proposal on this issue.

Conditions

14. The Council has suggested conditions in the event of the appeal being allowed. In addition to conditions relating to the time in which to commence the development and the listing of the approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory appearance.
15. The extension would be rendered and the Council has recommended that the rendering be carried out within 2 months of the "substantial completion of the development." The Council considers this is necessary to safeguard the character and appearance of the property and its surroundings. This type of restrictive condition is not normally imposed, because there may be valid reasons as to why the works cannot be carried out within the specified period. Furthermore, as the extension is at the rear of the property and not highly visible, I am not persuaded that such a condition is justified.

Conclusion

16. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR