



Appeal Decision

Site visit made on 13 May 2025

by **Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/L2440/D/25/3361557

21 Manor Road Extension, Oadby, Leicester, LE2 4FG

- 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 R Parekh against the decision of Oadby and Wigston Borough Council.
 - The application Ref is 24/00486/FUL.
 - The development proposed is a two storey and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey and single storey rear extension at 21 Manor Road Extension, Oadby, Leicester, LE2 4FG in accordance with the terms of the application Ref 24/00486/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: 23.4310; 23.4310.01A; 23.4310.02; 23.4310.03; 23.4310.10D; and 23.4310.11A.
 - 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 Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of number 23 Manor Road Extension (number 23), with particular regard to outlook.

Reasons

3. The appeal property is a detached dwelling, which is situated in a residential area. House types in the vicinity of the site vary in terms of their age, style and appearance, but a common feature is that they sit within relatively large and spacious plots.
4. The proposal is to construct a part two storey and part single storey rear extension, which would replace and extend beyond an existing conservatory. The proposed extension would provide a living room area on the ground floor and a bedroom with en-suite facilities on the first floor. In total (including the single storey element), it would project out 7.4m from the rear wall of the dwelling. The appellant points to

other similar extensions on other properties in the area. However, I have dealt with the appeal proposal entirely on its own merits.

5. The neighbouring property at 23 also sits within a large plot, which is at a lower level than the appeal property. Number 23 has been extended at the rear and a garage sits between it and the side of the appeal dwelling. The proposed extension would be set-in from the shared side boundary by 2.2m.
6. The Council considers that the proposal would have an unacceptably overbearing and dominant effect on the outlook from number 23, because of its length, scale, bulk, design and massing. It also refers to the higher ground level between the appeal site and number 23.
7. The Council states that the proposal conflicts with Policies 6 and 44 of the Oadby and Wigston Local Plan 2019 (LP) and with the guidance contained in its Residential Development Supplementary Planning Document 2019 (SPD). It also refers to the proposal as being contrary to the provisions of the National Planning Policy Framework 2024 (NPPF). These LP policies seek (amongst other things) to achieve high quality design; for development to be in keeping with the local area; and protect local amenity. Paragraph 135 of the NPPF contains similar provisions.
8. 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. It also stresses the need for extensions to ensure that “adequate” levels of amenity are maintained for residents of neighbouring property. Included in its detailed advice is that extensions should respect the ‘45 Degree Code of Practice’, whereby extensions should not project beyond a line drawn at 45 degrees from the nearest habitable room window of a neighbouring property.
9. I have noted that the Council has no objection to the architectural design of the extension and I have no reason to disagree with that assessment.
10. In reaching my decision, I viewed the proposed development from both the appeal site and the neighbouring property at number 23. Regarding number 23, I viewed the proposal from both the rear garden and the interior of the property. I viewed it from a first-floor side-facing landing window and a rear facing bedroom window. In addition, I have read the neighbours objection letter and the photomontages that was submitted to the Council during the determination of the planning application.
11. The proposed extension would be a large and significant addition to the appeal property and its scale and mass would be clearly visible from both the inside and outside of number 23. Notwithstanding the difference in ground levels, I consider that the impact on number 23 would be tempered by the facts that part of the extension would be single storey, it would be set-in from the boundary and would not project beyond a 45-degree line drawn from the neighbouring rear facing windows. I accept that the outlook from the first floor landing window would be affected, but as this is not a habitable room, it carries little weight in my assessment. Furthermore, the large garden of number 23 would ensure that the feeling of spaciousness and openness for the occupants of the dwelling would be retained.
12. I note that the neighbour’s letter expressed concern about the potential for loss of privacy and the impact of the proposal on levels of natural light. However, I am not persuaded that these impacts would be unacceptable for the reasons given above

and the fact that the main windows of the extension would face towards the rear garden of the appeal property.

13. The occupant of number 23 also expressed concern that the proposal would have an adverse effect on property value. However, that is not a planning consideration.
14. In summary, I consider that the proposal would not have an unacceptably harmful effect on the living conditions of the occupants of number 23. Consequently, it would not conflict with the provisions of the Development Plan or with the Council's guidance, as referred to above.

Conditions

15. 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.

Conclusion

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

Ian McHugh

INSPECTOR