



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/W2465/D/25/3362847

172 Lancaster Street, Leicester, LE5 4GB

- 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 Jaykishan Hasmukh against the decision of Leicester City Council.
 - The application Ref is 20242148.
 - The development proposed is construction of a single storey rear extension and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and internal alterations at 172 Lancaster Street, Leicester, LE5 4GB in accordance with the terms of the application Ref 20242148, 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: 009-00-DR-A-1000 Rev P01; 0009-00-DR-A-1001 Rev P01; 0009-00-DR-A-1002 Rev P01; 0009-00-DR-A-1003 RevP01; and 0009-XX-DR-A-2001 Rev P01.
 - 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 issues are the effect of the proposal on the living conditions of the occupants of the neighbouring dwellings at numbers 170 and 174 Lancaster Street (numbers 170 and 174); and whether sufficient amenity space would be retained for the occupants of the appeal property.

Reasons

Effect on numbers 170 and 174

3. The appeal property is a mid-terraced dwelling, which is situated in a residential street in a densely built-up area of the city. Several properties in the immediate vicinity have been altered and extended. These include rear extensions. In particular, the appellant has referred to an extension at number 168 Lancaster Street, which is of a similar size.

4. The proposal is to construct a single storey flat-roofed kitchen extension at the rear. It would cover most of the width of the dwelling and would project out 5.63m from the rear of the dwelling. The extension would be built up to the side boundary with number 170. Number 170 has a kitchen window on the rear elevation which is positioned close to the shared boundary,
5. On the opposite side, the side wall of the extension would be set-in from the shared boundary with number 174 by approximately 1.5m. Number 174 has a small lean-to extension, which has been built up to the boundary and is used for domestic storage. The nearest ground floor habitable room window is on the far side of number 174, close to its boundary with number 176.
6. The Council considers that the proposal would have an unacceptable overbearing impact on numbers 170 and 174, due to the length, height, and position of the extension. It cites a conflict with Policy PS 10 of the City of Leicester Local Plan 1996-2016 (LP). This policy seeks to ensure that development has regard to the amenity of existing or proposed residents. This is consistent with paragraph 135 of the National Planning Policy Framework 2024 (NPPF), which states that planning decisions should create places with a high standard of amenity for existing and future users.
7. In reaching my decision, I have also considered the Council's Supplementary Planning Document – Residential Amenity 2008 (SPD). This states that on terraced houses, extensions that are greater than permitted development limits are unlikely to be acceptable. It also advises that extensions should not project beyond a line drawn at 45 degrees from the centre of windows on adjoining properties.
8. Regarding the impact on number 170, I acknowledge that there would be an impact on the living conditions of the occupants, because of the length, height and position of the extension. However, my attention has been drawn to the approval of a proposal submitted under the Prior Approval procedure for a rear extension that would project 5m beyond the rear wall of the dwelling and would be positioned on the boundary with number 170 (reference 20241771). That extension would be narrower than the appeal proposal, but the impact on number 170 would be similar, if not identical. Although that extension has not been built, it is a material consideration.
9. Turning to the impact on number 174, I am not persuaded that there would be an unacceptable impact, due to the proposed extension being set-in from the boundary and because it would not project beyond a line drawn at 45 degrees from the nearest ground floor habitable room window of number 174.
10. Given the above and in particular when taking into account the impact of the extension that has received prior approval, I conclude on this issue that the proposal would be acceptable.

Amenity Space

11. The proposed extension would occupy a significant area of the existing rear garden. The Council considers that the proposal would result in an inadequate amount of rear amenity space and would result in a poor standard of living for existing and future occupants. I note that the Council's SPD advises that 2 bed properties should have a minimum rear garden area of 75sqm and 3 bed houses should have a minimum of 100sqm.

12. The appellant states that the rear garden area that would remain would amount to 50sqm. This is less than the SPD advises. However, most of the remaining space would be a useable flat, rectangular shape in which there would be adequate room for normal domestic uses, including child playspace, drying clothes, and outdoor entertaining. I also consider that the garden area would receive adequate levels of natural light and it would not be significantly smaller than the garden areas of other properties along Lancaster Road.
13. Consequently, I conclude on this issue that the proposal would not conflict with the provisions of either the LP or the NPPF, as referred to above.

Conditions

14. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time in which to commence the development and the listing of the approved plans, a condition requiring the use of external matching materials is imposed. This is necessary to ensure a satisfactory external appearance.

Conclusion

15. For the reasons given above, the appeal is allowed.

Ian McHugh

INSPECTOR