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## Appeal Decision

Site visit made on 26 March 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

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**Appeal Ref: APP/L2440/W/24/3352685**

**20 Drury Lane, Oadby, Leicester LE2 5FD**

- 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 D Brooks of D B Properties (Leicester) Ltd against the decision of Oadby and Wigston Borough Council.
  - The application Ref is 24/00060/FUL.
  - The development proposed is described as: a proposed demolition of existing garage and erection of detached dwelling
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of the proposal has been amended in the banner heading above to omit wording that is not a description of development.

### Main Issues

3. The main issues relevant to this appeal are the effect of the proposal on:
  - the character and appearance of the area; and
  - the living conditions of occupiers of 20 Drury Lane and 86 Foxhunter Drive with particular regard to outlook and daylight.

### Reasons

#### *Character and Appearance*

4. The site is located between 20 Drury Lane, a single storey detached dwelling and 86 Foxhunter Drive, a two storey detached dwelling. The site is currently occupied by a flat roof garage attached to the single storey 20 Drury Lane and which fronts Foxhunter Drive.
5. The site is a large corner plot, and the existing dwelling and garage are located roughly in the centre of the plot. There is some variety in the size and shape of plots, but the prevailing form of development surrounding the appeal site is of dwellings sited towards the front of their plots with generous rear gardens, giving the area an open and spacious feel.
6. There is a mixture of two storey and single storey dwellings in the vicinity of the appeal site. Drury Lane, on the side of the site, is characterised by regularly spaced pairs of semi-detached single storey dwellings with a uniform appearance and mass.

Foxhunter Drive, in the vicinity of the site, is characterised by detached dwellings with wide frontages. Although there are differences in their appearance, the dwellings on Foxhunter Drive are two storeys with consistent ridge heights and building lines, giving a sense of order and rhythm to the area.

7. The site is in the Oadby and Early Estates North and South Urban Character Area as defined by the Council's Landscape Character Assessment (2018) (LCA). The LCA identifies that a reliance on order, repetition, predictability and low-key design define the character of the area. The LCA further highlights the area is characterised by uniform plot sizes as well as uniform building sizes and heights with regular building lines.
8. The two proposed plots would be smaller than others in the area. According to the Council's evidence, the width of the plot for the proposed dwelling would be 3 to 6 metres smaller than those in the vicinity of the appeal site. As a result, the rear garden areas for the proposed dwelling and 20 Drury Lane, whilst both exceeding the Council's minimum garden size requirement, would be smaller than is typical in the area. The two plots would appear cramped and at odds with the uniformly larger plots which surround the site.
9. It is possible to perceive, through the gaps between buildings, the spacious layout of existing development. The garden areas would be seen from the rear of surrounding properties and whilst these would not be public viewpoints, these views contribute to the way neighbouring occupiers experience the spacious character of the area. The proposed development would unacceptably detract from this.
10. I acknowledge the appellant's evidence that numbers 2, 4 and 6 Drury Lane have smaller gardens than others in the area. However, these properties are located some distance along Drury Lane and cannot be viewed in the same context as the appeal site.
11. The roof ridge of the proposed dwelling would be higher than 20 Drury Lane and lower than 86 Foxhunter Drive. The overall height of the proposed building would therefore not be consistent with either the single storey or two storey heights in the area. It would therefore disrupt the uniform building heights which characterise the area. This would not be minimised through the incorporation of common design features such as the bay window or the use of materials to match existing dwellings.
12. The proposed dwelling would front Foxhunter Drive where the building line is established by 20 Drury Lane, 86 Foxhunter Drive and 20 Granville Avenue. The dwelling would be set further back in its plot than the established building line, therefore interrupting the regular building line that characterises the street.
13. The small plot size would mean the proposed dwelling would appear shoehorned between the two adjacent dwellings. Combined with the size, height, and siting of the proposed dwelling, which would not be consistent with surrounding development, the appeal proposal would unacceptably erode the order, repetition and predictability which define the character of the area.
14. I conclude the proposed development would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with policies 6, 11, 15 and 44 of the Borough of Oadby and Wigston Local Plan (2019) (LP) as well as the Residential Development Supplementary Planning Document (2019) (SPD) and the Oadby and Wigston Landscape Character Assessment (2005). Together

these policies and guidance require, amongst other things, high quality design and patterns of development that is sympathetic to its surroundings. Furthermore, they require proposals to split existing residential plots to respect the character, including landscape character, and street scene of the area.

### *Living Conditions*

15. The proposed dwelling would replace the existing single storey garage attached to 20 Drury Lane. It would be sited further forward than the garage and it would occupy most of the width of the site. The dwelling's side elevations would be at proximity to the side elevations of both 20 Drury Lane and 86 Foxhunter Drive.
16. The front elevation of the existing garage is located at a right angle to the bedroom window in the side elevation of 20 Drury Lane, therefore having some impact on the occupier's current outlook. The side elevation of the proposed dwelling would, however, be located parallel to, and close to the bedroom window. The height of the proposed dwelling would also exceed that of the existing garage. I have no reason to believe that this bedroom is served by another window and, as such, I find that the proposal would unacceptably obstruct the outlook from this window of 20 Drury Lane.
17. The side elevation of 86 Foxhunter Drive has windows at ground floor serving a living room and dining room, and at first floor level, windows serving bedrooms. The ground floor windows currently face a substantial beech hedge on the boundary of the appeal site. The hedge would be removed as part of the appeal development. Although the proposed dwelling would be positioned a short distance from the site boundary, the flank elevation wall would not be comparable to the existing hedge in either height or density. The wall would present a solid, continuous built form significantly taller and more visually imposing than the more permeable and natural character of the hedge.
18. The living room of 86 Foxhunter Drive does benefit from another window providing outlook. However, the dining room, which is defined as a habitable room in the Residential Development SPD, does not have another outlook. In result, the proposal would unacceptably harm the outlook from the ground floor side elevation window of the dining room of 86 Foxhunter Drive.
19. The outlook from the first floor side elevation windows of 86 Foxhunter Drive would be altered as a result of the appeal proposal. However, due to the overall height and pitch of the roof of the proposed dwelling, it would not adversely affect the outlook from these windows. Additionally, these rooms benefit from secondary windows which provide outlook to the front and rear of the property.
20. The proximity and overall height of the proposed dwelling in relation to the two adjacent properties would also affect the levels of daylight to their side elevation windows. This is of particular significance for the dining room of 86 Fox Hunter Drive and the bedroom window of 20 Drury Lane. Both of these rooms are defined as habitable rooms by the Residential Development SPD and do not have secondary windows. The appellant contends there would be no loss of light to these rooms, but I have not been provided with evidence to demonstrate this. As a matter of my planning judgement, I find that the appeal proposal would have a harmful effect on the level of daylight entering these rooms.

21. It is acknowledged that the living room of 86 Foxhunter Drive has a secondary window and, as such, I judge that the reduction in daylight would have less impact on this room. Due to the overall height and pitch of the roof of the proposed dwelling, I am of the view that the first floor side elevation windows of 86 Foxhunter Drive would not experience an adverse reduction in daylight.
22. Taking all of the above into account, the proposal would harm the living conditions of neighbouring occupants of 20 Drury Lane and 86 Foxhunter Drive. As such, it would conflict with Policy 6 of the LP and the Residential Development SPD, which together seek to provide adequate levels of amenity for neighbouring properties including requiring suitable spacing to avoid loss of daylight.

### **Other Matters**

23. The proposed two bedroom dwelling would contribute to meeting the Borough's needs identified in the Housing and Economic Development Needs Assessment. However, I have not been provided with evidence that the Council is not otherwise meeting its housing needs. I therefore attribute this benefit limited weight.
24. My attention has been drawn to other detached dwellings in the vicinity of the appeal site which are built close to the property boundary and where side elevations are close together. I do not have evidence of how these came to exist, although the Council suggests some properties have planning permissions for extensions and some properties have been extended under permitted development rights. However, I did not observe any examples that are directly comparable to the appeal proposal, and, in any event, they do not justify the appeal development in light of the harm I have found.
25. I have also considered an example of a bungalow which received planning permission at a nearby site in Paddock Close<sup>1</sup>. During my site visit, I observed that the context of this site differs from the appeal site in that it is located at the end of a row of dwellings, and it has a different relationship to neighbouring houses. As such, it is not directly comparable and it does not influence my consideration of this appeal proposal, which I have determined on its own merits.
26. I appreciate that the appeal proposal is a revised and reduced scheme in comparison to a previous refusal of the Council, however this does not materially affect my consideration of the merits of the appeal proposal.
27. Concerns regarding the manner in which the planning application was considered by the Council fall outside the scope of this decision.

### **Conclusion**

28. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations that indicate a decision should be made other than in accordance with it. I therefore conclude the appeal should be dismissed.

*A O'Neill*

INSPECTOR

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<sup>1</sup> Planning Application Reference 20/00151/FUL