



Appeal Decision

Site visit made on 2 June 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 JULY 2025

Appeal Ref: APP/L2440/D/25/3364769

35 The Oval, Oadby, Leicestershire LE2 5JB

- 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 Mava against the decision of Oadby and Wigston Borough Council.
 - The application Ref is 25/00059/FUL.
 - The development proposed is new roof over existing house to create a 1st floor accommodation, single storey rear extension, porch extension and alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on ecology; and
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

Ecology

3. The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to consider whether European Protected Species would be affected by the proposed development, regardless of whether the Council did or did not request such information from the appellant during the planning application process.
4. The proposed development seeks the replacement of the existing roof, which has the potential to provide habitats for bats and/or nesting birds for example, both of which are protected under the above legislation.
5. In the absence of any ecological assessments or surveys, there is insufficient information before me to carry out my regulatory duty to consider whether protected species would be harmed by the proposed development and if so, whether further species-specific surveys, followed by potential mitigation measures, would be required and effective.
6. For the above reasons, the proposed development would also fail to accord with Policy 37 of the Oadby and Wigston Local Plan 2011-2031 (2019) (the LP), which amongst other things, seeks to conserve, protect and enhance biodiversity.

7. I am mindful of the Council's suggested condition in its appeal questionnaire, which if imposed would allow the appellant to submit bat and breeding bird surveys for approval later, following the granting of planning permission. However, ecological matters should be dealt with as early as possible in the planning application process and therefore a condition in this respect would be unacceptable.

Character and Appearance

8. The Oval is a verdant residential street in the suburbs of Oadby. Most of the properties on The Oval are detached and benefit from generous sizing, which provides uniformity. However, there is a wide variety of property configurations, from two-storey villa style houses to bungalows for example, such as the property at 35 The Oval (No 35).
9. Many of the properties are individually designed or have been customised over time, with wide variations in roof design, materials and fenestration, which creates an eclectic mix that contributes positively to the character and appearance of the area.
10. No 35 benefits from an existing partially attached single storey flat roofed garage that sits beyond the rear corner of the property, and a single storey lean to extension attached to the rear of the house itself, which stretches across most of the width of the property. An existing flat roofed dormer is located on the rear roof slope.
11. The proposed roof, whilst acknowledged to be greater in depth than the property's ground floor, has been altered through the planning process to reduce its height and to include a partial hip design to reduce its overall mass. Furthermore, the modestly scaled and evenly distributed pitched roof dormer windows to the front would provide design interest and break up the expanse of roof when viewed from The Oval. The proposal would therefore be proportionally balanced and would not detract from the character and appearance of the existing property.
12. The proposed development, whilst individually designed, takes positive references from existing properties along The Oval. For example, the appellant has drawn my attention to front facing pitched roof dormer windows, timber cladding and deep roof slopes that exist on properties along The Oval, which were observed during my site visit. These positive references have been included in the design of this proposed development, thereby integrating it into the street scene.
13. The proposed alterations to No 35 would create a uniquely designed property that meets the needs of the existing residents in a location where significant variation in style and design exists, thereby contributing positively to the eclectic mix and therefore the character and appearance of the area.
14. It is noted that demolition of the chimney would result in the roof of the lean-to extension being more prominently divorced from the roof of the main part of the property. However, the appellant has sought to work with the existing fabric of the building and the extension is to the rear of the property, which is heavily screened from view by substantial boundary vegetation. It would therefore not create a prominent discordant feature within either the street scene or the surrounding area.
15. Thus, I conclude that the proposal would not be detrimental to the character and appearance of either the host property or the surrounding area. Consequently, the

proposed development would comply with Policies 6 and 44 of the LP, which seek to ensure that, amongst other things, proposals must create a distinctive environment by respecting the existing local character and ensuring patterns of development are sympathetic to their surroundings. For the same reasons, the proposal would accord with the overarching aim of the Council's Residential Development Supplementary Planning Document (2019), in that developments should fit in with the local street scene.

Conclusion

16. The development conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. Thus, I conclude that the appeal is dismissed.

L Fern

INSPECTOR