



Appeal Decision

Site visit made on 3 July 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/W2465/W/25/3364568

16 Freeman Road North, Leicester LE5 4NA

- 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 Mohammad Alimahomed against the decision of Leicester City Council.
 - The application Ref is 20241497.
 - The development proposed is change of use from house (Class C3) to three self-contained flats (3x1 bed); construction of dormer extension at front; single and two storey extension at rear; alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from house (Class C3) to three self-contained flats (3x1 bed), construction of dormer extension at front, single and two storey extension at rear; and alterations at 16 Freeman Road North, Leicester LE5 4NA in accordance with the terms of the application, Ref 20241497, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos. PL16 A203 A Location Plan, PL16 A202 A Block Plan, PL16 A200 A Proposed Plans, and PL16 A201 A Proposed Elevations.
 - 2) The external materials of the extensions hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I observed during my site visit that some internal alterations, including the subdivision of rooms have been undertaken that appeared to accord with the plans before me. I have therefore considered the appeal on the basis that work has commenced but is not yet completed.
3. The Council has questioned if an existing rear dormer at the appeal site falls under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). However, it is not for me, under a Section 78 appeal, to determine whether this dormer would comply with the GPDO.

Main Issues

4. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook, daylight, privacy and the provision of internal space; and
 - the effect of the proposal on the living conditions of the occupiers of 14 and 18 Freeman Road North, with regard to outlook and sunlight.

Reasons

Living conditions – future occupiers

5. 16 Freeman Road North is a mid-terrace, 2-storey property which, like its neighbouring properties, has a single storey and 2-storey rear wing. Each of the 3 proposed flats would occupy a floor within the property.
6. Flat 1 would be to the ground floor, with the proposed living room and bedroom occupying the house's rear and front reception rooms respectively. The proposed kitchen would be sited in the rear wing where the existing kitchen is found. I recognise that the window to the proposed living room is in close proximity to the adjacent rear wings at the appeal property and at 14 Freeman Road North, as well as a fence along the shared boundary. Furthermore, the kitchen window faces towards this fence and the side elevation of the rear wing at No. 14. However, I observed that the existing windows to these rooms, which would not be altered as part of the proposal, provide sufficient outlook and daylight, particularly considering the historic arrangement of this traditional terrace house in this built-up location.
7. Whilst the gate from the shared access to the rear garden is adjacent to the window to Flat 1's proposed living room, the comings and goings of occupiers from the other 2 flats associated with this space, including use of the refuse and cycle storage close to the kitchen window, would be of a limited nature that it would not result in a harmful lack of privacy to future occupiers of Flat 1.
8. The proposed living room to Flat 2 on the first floor would be directly above the living room to Flat 1. I saw that the outlook and level of daylight to this room was better than that found at the ground floor as it was not impacted upon by the boundary fence.
9. Flat 3 would be within the roof space, incorporating the existing dormer to the rear. I noticed that the area for the proposed living room was of a similar size to those for flats 1 and 2, and whilst the space for the kitchen was smaller, it was still of an adequate size and of a practical shape with sufficient outlook and daylight, for the proposed 1-bed flat. The space for the proposed bedroom was also smaller and it had a reduced ceiling height due to the front pitch of the roof. However, the inclusion of the proposed modest front dormer would increase the useable floorspace in this room as well as provide an adequate level of outlook and daylight.
10. For the above reasons, I conclude the proposal would provide acceptable living conditions for future occupiers, with regard to outlook, daylight, privacy and the provision of internal space. Accordingly, I found no conflict with saved policies PS10 and H07 of the City of Leicester Local Plan (CLLP), which seek to create satisfactory living environments.

Living conditions – neighbouring properties

11. No. 14 has windows to its rear elevation as well as to the side elevation of the wing, in a manner similar to that at the appeal property. These windows look onto the undeveloped space between the rear wings of Nos. 14 and 16 that is characteristic of this age and type of property.

12. The rear extension would elongate the wing at the appeal site, projecting some 3.5m and 1.85m for the single and 2-storey elements respectively. It would be set in from the boundary with No. 14 to match the width of the existing wing.
13. The rear extension would increase the scale of the wing at the appeal site and would inevitably be visible to No. 14. Nevertheless, the length of the rear wing, and in particular the 2-storey element, would be modest, not located immediately adjacent to the affected windows at No. 14 and the space between the existing rear wings would remain open. Consequently, I am not convinced that there would be an unacceptable impact in relation to outlook and sunlight at No. 14.
14. Moreover, I am not persuaded that there would be an unacceptable impact, including a sense of overbearing, on No. 18 due to the modest scale of the proposed 2-storey element of the rear extension along the shared boundary, the length of garden beyond the extended rear wing that would remain undeveloped, and its location to the north. I also observed on nearby properties along Freeman North Road, rear wings projecting a similar distance to that proposed.
15. I therefore conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 14 and 18 Freeman Road North, with regard to outlook and sunlight. It would accord with saved policy PS10 of the CLLP, which seeks to provide residents with a quality living environment.

Conditions

16. As work has already commenced with the internal alterations, a time limit condition is not necessary. Notwithstanding that, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, given that the development has commenced but is not yet complete. A condition is also necessary for materials to match those used on the existing building to protect the character and appearance of the area.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

P Barton

INSPECTOR