



Appeal Decision

Site visit made on 17 June 2025 by E Clifford BA (Hons) MA

Decision by Kenneth Stone BSc (Hons), Dip TP, MRTPI.

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/W2465/D/25/3364834

21 Knighton Fields Road East, Leicester, LE2 6DP

- 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 P Fulford against the decision of Leicester City Council.
 - The application ref is 20241425.
 - The development proposed is a single storey rear extension and demolition of outbuildings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal is described as retrospective; however, the development as built in terms of massing is slightly smaller than depicted on the plans. As the application was made on the basis of the submitted plans, I have considered the plans submitted with the application and had regard to what I observed on site when making my recommendation.

Main Issue

4. The main issues are:
 - a. The effect of the proposed development on living conditions of neighbouring residents with particular regard to daylight, sunlight, and outlook;
 - b. Whether the proposed development would provide satisfactory living conditions for future occupiers of the appeal site, with regard to the provision of satisfactory amenity space.

Reasons for the Recommendation

5. The appeal site is located in a residential part of the city. It is a two-storey mid-terrace property of a traditional late C-19 style. The property also shares a front gabled dormer and two-storey canted bay window with integrated front entrance with the adjacent property. The property is bound to the street by a mature hedge, which is a typical boundary treatment of the street scene; some neighbouring and nearby properties have retained the original low brick wall resulting in a mixed street frontage.

6. The area surrounding the appeal site is characterised by dense urban development of a typical late Victorian style. To the rear of the property is a small courtyard garden, the pattern of which is repeated throughout the terrace. There is a communal rear access path running along the rear gardens, across which is the garden and rear of no.20 Lord Byron Street, a similarly designed property.

Living Conditions of Neighbouring Occupiers

7. There is a limited impact on the outlook for the occupiers of no.19 Knighton Fields East Road. Whilst the outlook has been altered with the addition of the rear extension, given the expanse of the original outrigger, this is not considered to have had a significant negative impact. The windows which face onto the proposed development do not serve habitable rooms and appear to be a store. Despite the lack of compliance with the 45-degree guideline, the tight-knit urban grain of the existing buildings and the single-storey nature of the proposed development, means that there would not be a substantial decrease in the amount of daylight received by the rear-facing rooms of no.19. Having regard to this matter, the development is thus considered to be acceptable.
8. Turning to no.23 Knighton Fields East Road, as a result of the natural path of the sun, rising in the east, the proposed development would be likely to result in an increase in the level of overshadowing experienced by the occupiers of no.23. However, the close-knit pattern of existing development and the small rear garden plots means there would have already been an existing level of overshadowing experienced given the original layout and form of the building, and it is concluded that the proposed development would not increase this to such an extent that an unacceptable level of harm would be caused. However, the proposed development would increase the sense of enclosure experienced when using the outdoor space as a result of the increased expanse of brickwork. The increased level of overshadowing, whilst not unacceptable on its own, would have a cumulatively negative effect and would exacerbate the sense of the development being overbearing due to the small size of the plots. This would have a negative impact on the living conditions of the occupants of no.23 and would cause an unacceptable level of harm.
9. No.20 Lord Byron Street is situated to the north of the appeal property, and the side windows in its outrigger are directly opposite the proposed development at the appeal site. The properties are separated by a communal access path which runs from Lord Byron Street to the rear of the properties on Knighton Fields East Road and is bound either side by brick walls. The appeal site and the remainder of the terrace along Knighton Fields East Road are sited in very close proximity to no.20, and the small rear plots mean that the levels of sunlight and daylight enjoyed by the habitable rooms of no.20 are already impacted by the existing development. As a result, it appears that there would be a very limited increase in the level of harm to the living conditions of the occupants of no.20 as a result of the proposed development. Similarly, the level of harm resulting from the increased proximity having regard to outlook and privacy is very limited. The proposed rear window to the appeal site would result in an increased level of intervisibility between the appeal site and no.20, however given the offset nature of the proposed window and the windows of habitable rooms of no.20, and intervening walls and verdant boundary treatment, the potential for increased harm appears to have been satisfactorily mitigated. Overall, I find the proposed development acceptable regarding the living conditions of the occupants of no.20 Lord Byron Street.

Living Conditions of Current and Future Occupiers

10. Finally, I have had consideration to the impact of the proposed development on the living conditions of the current and future occupiers of the appeal site having regard to the level of private amenity space. The proposed development would, and the recently constructed extension has, significantly reduced the size of the rear garden, impacting the available uses of the space available to the occupants. Whilst I have had regard to the appellants contention that the development is only slightly bigger than what would be permitted under Permitted Development, I must consider the merits of the scheme before me. I understand the appellants contention that the current occupants of the appeal site infrequently use the rear garden, however I must also consider whether the development would result in acceptable levels of outdoor space for future occupants. As a result of the lack of outdoor facilities, I find that there would be a significant level of harm to the living conditions of any future occupants, and furthermore, I have not been provided with any significant evidence to the contrary to find that there would not be an increased level of harm to the living conditions of the current occupants.
11. The appellant has suggested that the development is only slightly larger than what may be permitted under the GPDO. My conclusions are drawn on the basis of the submitted application and plans which are slightly greater than the extension that has been constructed on site, however given the minor variants in scale and mass my conclusions would not be altered if the plans accurately reflected the extension as currently built having regard to development I have viewed on site.
12. The appellant has drawn my attention to another property within their ownership in the same terrace as the appeal site, namely 13 Knighton Fields Road East. This property has undergone a similar extension, with the same aims to provide extended kitchen and dining facilities and was completed after the granting of planning permission in 2023. The appellant has referred to a long wait for a planning determination, and that the decision to proceed without determination in this case was due to similarities between the proposals and their confidence in permission being granted. I have had consideration of the similarities between this development and that at the appeal site. The plot of no.13, whilst still compact, is larger than that of the appeal site, and thus the completed development has left a larger and more useable amount of outdoor site for the occupants to enjoy. Whilst I cannot comment on the impact on the neighbouring properties, I can conclude that the impact on the occupiers of 13 Knighton Fields Road East is not comparable.
13. I conclude that the development has resulted in harm to the living conditions of the occupants of the neighbouring properties and of the appeal site as a result of overbearing to no.23 Knighton Fields Road East and insufficient private amenity space for future occupants of the appeal site. As such it would be contrary to the City of Leicester Local Plan (2006) Policy PS10, the Residential Amenity SPD (2008) and the National Planning Policy Framework which collectively seek to ensure the quality of living conditions for residents is preserved.

Personal Circumstances

14. I have given due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected

characteristic and people who do not share it. I have also had regard to the provisions of the Human Rights Act 1998.

15. In this respect, I have been made aware that the appeal site is currently in use as a half-way house for children between the ages of sixteen and eighteen who have left foster care. The property provides support for the residents, who live as a single household. The appellant has indicated that the proposed development is intended to provide larger kitchen and dining facilities to enable the residents to dine communally. I have no reason to doubt that this is the case, and therefore the proposed development has the potential to be beneficial to the residents concerned. This is a personal circumstance to which I afford a little weight in favour of the appeal.
16. However, it has not been sufficiently demonstrated that a development of this size would be the only way to achieve the desired outcome, and that a suitable provision could not be provided through a scheme which is more sympathetic to the occupants of the appeal site and the neighbouring properties. In weighing the personal circumstances in the balance, this has to be considered against the unacceptable effect that the development has on the above-mentioned living conditions.
17. Overall, a dismissing the appeal is a proportionate and necessary approach to protecting the living conditions of the current and future occupants of the appeal site. The personal circumstances put forward in this instance do not outweigh the unacceptable effects of the proposal.

Other Matters

18. I have also had regard to other matters raised in the grounds of appeal including a lack of third-party objections and a comparable development at 25 Knighton Fields Road East. However, I do not have details for the extension at no.25 and therefore cannot consider this matter any further. Additionally, a lack of objections to the development does not sufficiently demonstrate that the development would be acceptable or why the appeal should be allowed.

Conclusion and Recommendation

19. The development is contrary to the development plan and material considerations that have been advanced in this instance do not justify a decision other than in accordance with it. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

E Clifford

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR