



Appeal Decision

Site visit made on 27 August 2025

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 September 2025

Appeal Ref: APP/W2465/D/25/3368302

3 Pauline Avenue, Leicester LE4 7RB

- 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 Mrs Harjinder Osaan against the decision of Leicester City Council.
 - The application Ref is 20250543.
 - The development proposed was originally described as: erection of single storey outbuilding on the side of existing semi-detached house. The proposed outbuilding will be 07 metres long, 6.5 metres wide, 2.5 metres high to the eaves and 4 metres high to the ridge line. The design and materials will be similar to the existing house and surrounding residential area. The proposed outbuilding will be used as games room for recreational and entertainment purpose (connected use to the main dwelling house). The existing garage/outbuilding to be demolished.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development stated on the decision notice is: “*construction of single storey detached outbuilding to rear of house (Class C3) (amended plans 14 May 2025)*”. However, there is no evidence before me to indicate a change was agreed. I have therefore used the description as stated on the application form in my banner heading above.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the character and appearance of the area; and
 - the living conditions of existing occupiers, with particular regard to outlook and levels of daylight and sunlight.

Reasons

Character and appearance

4. The appeal property is a semi-detached dwelling in a residential area, predominantly comprising two storey semi-detached dwellings, but there are also some terraced forms. The semi-detached neighbour is No 46 Berridge Lane, which occupies a corner plot, and the two properties share a hipped roof, but their plot depth (as seen from Pauling Avenue) is shallower than the predominant character.

5. In addition, the front door of the appeal property is located within an elevation perpendicular to Pauline Avenue. The front door of the adjoining semi-detached property faces the highway on Berridge Lane and its frontage wraps around the corner. Taken together, and individually this pair of semi-detached properties thus demonstrate a degree of discordance to the prevailing development pattern, where entrance doors are generally sited within a shared elevation towards the highway, and plot depths are relatively deeper.
6. The proposed outbuilding would be rectangular in shape, about 6.5m deep by 5.0m wide, with a footprint of about 32.5m² and a flat roof at 2.5m height. Given the existing dwelling has a footprint of about 50m², the outbuilding would be about two-thirds of the footprint of the main dwelling, appearing disproportionate. Due to its scale and siting, it would appear as a dominant building within a garden setting, such that it would not appear subservient to the main dwelling, nor accord with the surrounding pattern of development.
7. The appellant suggests that the proposed outbuilding would form 15% of the total curtilage of the original house and would fall within the 50% limit of the total area of the curtilage, excluding the original house. In this regard, the appellant appears to suggest that the proposal would be permitted development under Class E of the GPDO¹, such that this could be considered as a potential fallback position.
8. However, I note that there is a projecting structure attached to the northern elevation, and the plans as existing and proposed do not demonstrate the footprint of an existing bay window near the entrance door. It is therefore not clear as to what the extent of the original house is. Furthermore, it is not clear how the appellant's fallback position takes account of the existing garage, which is proposed for demolition in the application before me, nor how the appellant has assessed what might be the main elevation of the dwelling. I have not been provided with clear and compelling evidence that the proposal would meet the limitations as set out in the GPDO. On this basis, and in the absence of any prior approval consent or lawful development certificate, I cannot be certain that even if there was a realistic prospect of such a fallback, that it would result in the same or greater harm than I have identified in the scheme before me.
9. There is little information before me regarding the materials for the proposed outbuilding. However, the appellant indicates these would match the existing main dwelling. This matter could be controlled by a suitable condition if I were to allow the appeal. However, the use of matching materials would not overcome the harm I have identified.
10. For the reasons above, I conclude that the proposed development would harm the character and appearance of the area. It conflicts with Saved Policy PS10 of the City of Leicester Local Plan 2006 (LP) and Policy CS03 of the Leicester City Core Strategy 2014. Furthermore, the proposal would conflict with the objectives of Chapter 12 of the National Planning Policy Framework (the Framework). Taken together, these policies seek to ensure that development responds positively to its surroundings, is appropriate to the local setting and context, and creates well designed places.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Living Conditions

11. Due to its scale and siting, the proposed outbuilding would be in proximity to a bay window serving a living area. The central part of this window includes patio doors to full height. Consequently, this window plays an important role in the outlook for existing occupiers of the main dwelling, as it appears to provide the only outlook to the main private amenity space from a principal room.
12. Due to its siting and scale, the proposed outbuilding would appear in prominent and dominant view from the bay window serving the living area, resulting in an increased sense of enclosure, and unacceptably diminishing the outlook from that room. In addition, the presence of the outbuilding would likely diminish levels of daylight into that room. The proposal would therefore conflict with the guidance within the Council's supplementary planning document: Residential Amenity 2008, which seeks to maximise daylight and avoid undue loss of outlook.
13. For the reasons above, I conclude that the proposal would unacceptably harm the living conditions of existing occupiers, with particular regard to outlook and levels of daylight and sunlight, in conflict with LP Saved Policy PS10 and paragraph 135 (f) of the Framework. When taken together, these policies seek to protect residential amenity.

Other Matters

14. The proposal would provide an improvement for the occupiers of the property by providing an external outbuilding for recreation and entertainment purposes. However, this would be a private benefit for the occupiers of the property. Temporary economic benefits would occur during the construction phase, but these would be limited in scale and duration. While the appellant suggests that the proposal would have a positive impact on the sustainability of the property, this is not robustly demonstrated. The limited benefits of the proposal would not outweigh the harms that I have found.

Conclusion

15. For the reasons above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR