



Appeal Decision

Site visit made on 16 September 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/W2465/D/25/3370883

75 Shanklin Drive, Leicester LE2 3QE

- 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 Jay Morjaria against the decision of Leicester City Council.
 - The application Ref is 20250366.
 - The development proposed is described as the removal of garage and replacement with oak framed car port, replacement windows, single storey rear extensions, loft conversion and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of garage and replacement with an oak framed car port, replacement windows, single storey rear extensions, loft conversion and internal alterations at 75 Shanklin Drive, Leicester LE2 3QE in accordance with the terms of the application, Ref 20250366, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal submission has been supported by an amended plan. As this appeal relates to householder development the Council are deprived of the opportunity to review and comment on its content. Therefore, I cannot accept this amended plan and I have considered the appeal based on the plans submitted with the application.

Background and Main Issue

3. The appeal development includes a number of elements. These include the replacement of the attached garage to side with a car port; the construction of a single storey extension to the rear; a loft conversion (which includes rooflights to the side and rear elevations); and, internal alterations. The Council do not raise any objection to any of these parts of the proposed development. Given the modest scale and design of those elements I have no reason to disagree with the conclusions of the Council.
4. The main concern of the Council relates solely to the replacement of existing timber windows and door within the front elevation. These would be replaced with uPVC windows and aluminium/timber composite front door. It is understood that an Article 4 Direction is in effect for the property. This removes permitted development rights for external alterations to this building.

5. Therefore, the main issue is the effect of the replacement windows and door on the character and appearance of the existing building as a non-designated heritage asset.

Reasons

6. No.75 Shanklin Drive is a two-storey detached dwelling located within a predominantly residential area. The dwelling is identified on the Council's Local Heritage Asset Register (the LHAR) and, as such, can be considered to be a non-designated heritage asset (NDHA). The LHAR confirms that the reason for its designation is because the building is *"An excellent representative of a 1930s detached suburban house in South Knighton. The dwellinghouse demonstrates an excellent use of brickwork, laid in an array of differing patterns across the principal front elevation, creating a frontage of high-level craftsmanship and architectural quality, having a prominent visual impact upon the streetscene"*. This statement remains correct and I consider that the significance of the NDHA lies within the high-quality craftsmanship and architectural detailing of the front elevation.
7. The existing windows to be replaced are timber casement windows with top opening lights, and simple mullion and transom detailing. The windows are positioned within the two storey bow windows either side of the central gable. The existing front door is a double opening timber door of simple design that includes a small rectangular door light in each opening. The door is surrounded by a decorative brickwork. I consider that the simple design of the window and doors complement the more decorative elements of the front elevation and form part of the overall significance of the building.
8. Paragraph 216 of the Framework advises that the effect of a proposal on the significance of a NDHA should be taken into account in determining that scheme. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
9. The submitted plans show that the replacement windows would be flush casements that would match the existing windows in terms of position, mullion and transom detail, and the general extent/proportions of glazing. There would appear to be little change to the windows in this regard. However, the scheme proposes the existing timber windows to be replaced with uPVC alternatives. I acknowledge that this would introduce the use of a non-traditional material to this arts and crafts building. While this may be the case, the appellant has provided detail of heritage style uPVC windows which could be used. This information demonstrates that such windows could be designed to replicate timber framed windows in terms of detailed design and appearance.
10. In this regard, I am satisfied that the replacement windows could have an almost like-for-like appearance with the existing and the principle of heritage style uPVC windows on this NDHA would be acceptable in this instance. This would be subject to the finer detailed design of fabrication, appearance (including colour), glazing bar thickness and recess etc. These are matters of design which could be secured by condition. I consider that there would likely be a very limited change in the overall appearance of the building when viewed from the street. Therefore, the character and appearance of the building, or its significance, would be harmed by the proposed replacement windows.

11. The proposed aluminium/timber composite front door would include a single opening with obscure glazed side panels. This more contemporary design and appearance would deviate significantly from the simple appearance of the existing double door. The replacement door would lead to a contemporary focal point which would detract from the important architectural detailing of the front elevation. Therefore, I consider that the character and appearance of the front elevation would be diminished by this intervention, leading to a loss of significance of the NDHA.
12. This element of the scheme is not substantial in the context of the entirety of the development proposed. It is clearly distinguishable from the remainder of the scheme. While I could issue a split decision, I consider that a condition could be imposed explicitly specifying that permission is not granted for this part of the development. Such a condition would be a minor modification to the overall permission. This approach would accord with the advice contained within Planning Practice Guidance¹ for the use of planning conditions.
13. For the above reasons, as conditioned, the development would not have a harmful effect on the character and appearance of the existing building as a NDHA. The development therefore complies with Policy CS18 of the Leicester City Core Strategy (2014) which seeks to protect and enhance the historic environment.

Other matters

14. I note the concerns raised by a third party with regard to loss of light, maintenance issues and the need for additional parking. While the car port would be slightly closer to the neighbouring dwelling, the change in scale compared to the existing relationship would not be significant. Therefore, I agree with the Council that this would not lead to an adverse effect on the living conditions of the occupiers of the neighbouring property by reason of loss of light or overshadowing. Any future maintenance issues would be a civil matter between the appellant and their neighbour and is not material to my consideration of the appeal. Finally, I have no reason to question the need for the proposed car port under this appeal and, in any event, I note that it would serve as a replacement of an existing garage.

Conditions

15. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. I have also attached a condition for facing materials to be as detailed within the application, which is necessary in the interest of the character and appearance of the building and area.
16. A condition requiring the submission of the detailed design and appearance of the proposed replacement uPVC windows to the front elevation is necessary in the interests of the main issue. A further condition confirming that the planning permission does not relate to the replacement front door, as detailed on the approved plans, is also necessary in this respect.
17. Finally, the application was supported by a Preliminary Roost Assessment (PRA). This confirms that the property offers negligible potential for roosting bats and that

¹ Paragraph: 012 Reference ID: 21a-012-20140306 and Paragraph: 013 Reference ID: 21a-013-20140306

the redevelopment of the property will not have any adverse effect on any protected species. However, due to the transient nature of bats the PRA recommends that site be resurveyed if works have not commenced by the end of the next bat survey season (August 2026). Therefore, a condition to require a further PRA, should development not commence before the end of August 2026, is necessary in the interest of protected species and their habitats.

Conclusion

18. For the reasons given above the appeal should be allowed.

D Cleary

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans referenced:

WAA294 10 Rev A – Planning Drawings

WAA294 12 Rev E – Proposed Planning Drawings

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as detailed in the application and approved plans.

4) Prior to the installation of any replacement window within the Proposed Front Elevation, as detailed on approved plan Ref WAA294 12 Rev E – Proposed Planning Drawings, a scheme of window details shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall specify;

a) the design of the windows (including detailed plans and sections);

b) the materials (such as heritage style uPVC);

c) the colour & finish;

d) opening styles and mechanisms; and,

e) details of any recess against the brickwork, cills and lintels.

The windows shall be installed in accordance with the approved details.

5) Notwithstanding the details on the approved plan Ref WAA294 12 Rev E – Proposed Planning Drawings, permission is not granted for the replacement front door as detailed on the “Proposed Front Elevation” and “Proposed Ground Floor Plan”.

6) If development has not commenced by 31 August 2026, then a further Preliminary Roost Assessment of all buildings shall be carried out by a suitably qualified ecologist. The survey results and any mitigation (including a timetable for implementation) shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development. Any identified mitigation measures shall be carried out in accordance with the approved details.

End of Schedule