
Appeal Decision

Site visit made on 24 October 2025

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/W2465/W/25/3372007

8 Frampton Avenue, Leicester LE3 0SG

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Amandeep Singh against the decision of Leicester City Council.
 - The application reference is 20250858.
 - The development proposed as described on the Application for as the 'Construction of single and two storey side extension.'
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed extension upon the living conditions of No.7 Frampton Avenue, with particular regard to sense of enclosure, access to light and outlook.

Reasons

3. The appeal site appears to have been constructed as part of a residential housing estate of the late twentieth century. Typical of developments of this time, dwellings have a more functional appearance and there is a very planned layout with dwellings having similar front and side setbacks with front gardens and gaps between dwellings which allow views to the tops of trees in rear gardens. Frampton Avenue contains detached bungalows towards Hinckley Road, but towards the end of the cul-de-sac there are two storey semi-detached dwellings with dominant characteristics such as large coaxial chimney stacks, brick and feature boarding between ground and first floor with pitched and gable roof forms with concrete tiles. The pair of semi-detached dwellings of the Appeal Site and No.9 Frampton Avenue are positioned to be the terminus of Frampton Avenue, with No's 6 and 7; and No.s 10 and 11 positioned diagonally at either side of No.8 and 9.
4. This unique positioning of dwellings at the end of the cul-de-sac means that the pairs of semi-detached dwellings on the diagonal have triangular front and rear gardens. Gardens tend to be quite small to the end of the Cul-de-sac and the angled nature of the neighbouring dwellings means that space between dwellings is reduced and obliquely shaped. Other unique situations at the appeal site are that the Appeal Site and No.9 have a ridge height that is considerably taller than the ridge of

neighbouring pair of Semi-Detached dwellings at No.s 6 and 7 with the topography of the site needing to be considered.

5. In assessing living conditions, the City of Leicester Local Plan (LP) Saved Policy PS10 seeks that proposals need to consider the amenity of existing and proposed residents, such as factors concerning privacy, overshadowing, and visual quality, amongst others, that are caused by the development. The Residential Amenity Supplementary Planning Document Appendix G (SPD) also gives further guidance with regards to extensions and their potential impact upon living conditions. The SPD seeks that context is a key consideration, with elements such as topography and levels which may require different considerations to the 'standard' diagrams and guidance given. Elements such as building along boundaries are mentioned as needing particular care, with considerations around the impact to habitable room windows, and garden areas amongst others.
6. The two storey side extension would be erected for approximately 8.8 metres along the boundary, would have a minimum height of 5 metres reaching to 7.8 metres at its ridge. Within the context of having shallow gardens, the extension would take up a large proportion of the depth of the rear garden. Despite this, the unusual configuration of neighbouring dwellings, particularly the small and awkward size of gardens to No.7 Frampton Avenue means that even small changes to surrounding built form can have large implications for living conditions. The presence of the proposed extension would be very noticeable to the occupiers of No.7 with the increased massing, no setback and the presence of the proposed extension which will be a blank wall would have a detrimental impact upon the living conditions of neighbouring residents and cause a detrimental sense of enclosure and loss of outlook. Whilst I appreciate that the neighbouring No.7 has a garage and their outdoor dining area is setback from the boundary, the increased presence of a long and tall blank wall on the boundary would present a dominant and oppressive appearance to the garden of the neighbouring property resulting in adverse harm to living conditions with regards to outlook and sense of enclosure.
7. I acknowledge discussion with regards to the ground floor front window in that there is differing opinion around the application of the 45 degree measure from the edge of the window, where the Council says that it is breached and the Appellant shows a location plan that indicates that it isn't, however this is marginal. It is difficult to tell on the plan submitted within the Appellant's Statement of Case (SoC) as whether it is accurate given that the line is taken from a location plan with no indication as to where the windows of the neighbouring dwelling are. Despite this, in any event it is very marginal as to whether it is within or outside the 45 degree line which is typically a good indication to tell how an extension is perceived. However as mentioned in the SPD, tools such as the 45 degree measure only replicates ideal environments, and that when considering context, that measures in the SPD might not work or require a more subjective assessment. I believe the latter to be the case, given the unusual relationship of the appeal site and No.7, as well as the differences in height at the front of the dwelling. The angled nature of the adjacent dwelling at No.7 would perceive the proposed extension to a much greater extent, not only due to it's positioning, but also because of the height of the appeal dwelling, given that the finished floor levels reflect the topography.
8. Turning to overshadowing and loss of light, the appeal is not accompanied by any shadow diagrams or similar. Given the position of the sun in relation to the appeal

site, much of the shadow cast by the proposed extension would be towards the afternoon, and predominantly towards the triangular spaces at the side of No.7 and over the front garden. Given the massing and bulk of the extension, there would be an increase in overshadowing, however I feel that it would not be to the level where it would cause adverse detriment, given that a large proportion of the garden and habitable windows would receive sufficient light. As such I do not consider that there is any conflict as a result of overshadowing or loss of light.

9. Given my above reasoning, the scheme as proposed would be excessive in size and cause significant detriment to the living conditions of the existing residents at No.7 Frampton Avenue, in terms of sense of enclosure and outlook. The scheme would therefore be contrary to LP Policy PS10 as specified previously.

Conclusion

10. Whilst I have agreed with the Appellant that the scheme would not cause adverse detriment to living conditions as a result of overshadowing, this is not sufficient to outweigh the harm caused as a result of sense of enclosure and outlook. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR