



Appeal Decision

Site visit made on 17 November 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Appeal Ref: APP/W2465/W/25/3372574

23 Petworth Drive, Leicester, LE3 9RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr Saini against the decision of Leicester City Council.
- The application Ref 20250512 was approved on 18 June 2025 and planning permission was granted subject to conditions.
- The development permitted is the construction of a single storey extension at the front; a two-storey extension and dormer extension at the side; a single storey extension, first floor extension, and dormer extension at the rear of the house; installation of external wall insulation; and alterations to the house.
- The condition in dispute is condition 2, which states that: Within three months from the date of this permission, the proposed 1.8m high boundary fence adjacent to 25 Petworth Drive shall be installed and thereafter be retained in accordance with the Proposed Plans (PL23 A300, Rev F), received 29/05/2025. Reason: In the interests of the residential amenity of the occupiers of 25 Petworth Drive, and in accordance with Policy PS10 of the City of Leicester Local Plan.

Decision

1. The appeal is allowed and the planning permission Ref 20250512 for the construction of a single storey extension at the front; a two-storey extension and dormer extension at the side; a single storey extension, first floor extension, and dormer extension at the rear of the house; installation of external wall insulation; and alterations to the house, at 23 Petworth Drive, Leicester, LE3 9RF, granted on 18 June 2025 by Leicester City Council, is varied by deleting conditions 1, 2 and 3 and substituting them with the following conditions:
 - 1) The finished floor level of the patio shall not be increased above its current level, which is one step down from the house, as shown on drawing number PL23 A302 Rev D.
 - 2) The existing timber fencing, situated along each external side of the raised patio area, shall be retained at its existing height of approximately 1.8 metres above the finished level of the patio floor. Any future replacement of this fencing shall be with solid fencing of the same height, with no visible gaps through it.

Background and Preliminary Matters

2. Planning permission was granted for the extension and alteration of the appeal property in January 2024, but some of the works undertaken did not accord with the approved plans. An application for the unauthorised works was subsequently submitted to and refused by the Council. The application subject to this appeal was an amended resubmission of the previously refused development, which was granted subject to conditions requiring further alterations. The removal of a wraparound canopy at the front of the dwelling, and the removal of a structure

covering the patio area to the rear of the dwelling, have been complied with. As such, the extent of the raised patio area at the rear of the dwelling and its associated screening are the only outstanding matters in dispute between the main parties.

3. Whilst only condition 2 has been appealed, all three of the conditions imposed on the decision notice refer to plan numbers and aspects of the development that are affected by the patio area and its screening. Furthermore, I note that there are discrepancies between what is shown on the drawing numbers referred to within the conditions, with the floor plans on drawing number PL23 A300 Rev F, showing the patio area inset from the boundaries of both 21 and 25 Petworth Drive, but the elevation plans on drawing number PL23 A302 Rev D showing the raised patio area being retained at the full width of the plot, with a 1.8m high fence being erected upon it, set in 1.6m from the boundary with No.25.
4. However, under this type of appeal procedure, which is made under Section 79 of the Town and Country Planning Act 1990, against conditions imposed on a grant of planning permission, an Inspector is able to reverse or vary any part of the decision (whether the appeal relates to that part or not), and may deal with the application as if it had been made to them in the first instance.

Main Issue

5. The main issue is the effect of the extent of the patio area and its screening on the living conditions of occupiers of 21 and 25 Petworth Drive, with particular regard to privacy, light and outlook.

Reasons

6. The appeal property is a semi-detached house, situated within a row of similar dwellings, most of which have been altered and extended to varying degrees. The long rear gardens are lower than the houses, and most properties have raised patios at the same or similar levels to the rear of the houses, with steps down to the gardens. From what I could see, the patios of most properties extend the full width of the plot. Boundary treatments vary, with some affording more privacy than others, and tend to step down in line with the sloping ground levels. Petworth Drive also slopes gently downhill towards Henley Road, and the pairs of semi-detached houses are each stepped down from each other to reflect this, albeit the difference in height between the pairs of houses is only slight.
7. The appeal patio as currently constructed extends the full width of the plot. It is stepped down from the house and is bound by solid timber fence panels on either side, which appear to be approximately 1.8m in height above the finished floor level of the patio. Wooden planters containing young plants of various heights sit on the patio, inside the fence. These do not require planning permission.
8. The dwelling at 25 Petworth Drive is separated from the appeal property by a wide footpath. It has a single storey rear extension spanning the width of the house and a raised patio spanning the width of the plot. The patio of this property extends just beyond the rear wall of the extension at No.23 and is of similar height.
9. The dwelling at 21 Petworth Drive adjoins the appeal property. It has a single storey rear extension abutting the boundary of No.23 and a raised patio, the full

width of the plot, wrapping around it, which is of similar height to the patio at the appeal property.

10. When standing on the patio of the appeal site, I could not see into the ground floor windows or patio doors of any neighbouring properties or see onto their patio areas. Whilst the fencing may be within a 45-degree angle of neighbouring ground floor rear windows, it is no higher than these windows, which are northeast facing. It is not at all unusual for 1.8m high fences to run along boundaries between neighbouring properties near their ground floor windows without resulting in harm to light or outlook. As such, I see no reason why in this case the patio or fencing must be inset from the boundaries.
11. I acknowledge that there will be views over other parts of the neighbouring rear gardens, that lie beyond the patio areas and are on lower ground. However, such views would be the same from a smaller patio, the one that previously existed, from all rear windows of the appeal property and the windows and raised patios of other neighbouring properties. This level of overlooking would be no greater than that ordinarily experienced between neighbouring properties in built up residential areas.
12. I am therefore satisfied that the level and extent of the patio and the patio boundary treatment as they currently exist, which appear to be generally in accordance with drawing number PL23 A300a, are not detrimental to the living conditions of occupiers of adjacent dwellings to either side. I do not consider that the removal of the fence and its replacement with boundary planting alone would be a sufficient alternative. Planting can have varying degrees of effectiveness at different stages of its growth and at different times of year and is also at risk of dying. Whilst it may be softer in appearance it will also have gaps. The fencing in place is of high quality, and its appearance could be softened by planting should neighbours wish to do so. It will also be more effective in terms of enhancing security and noise reduction between properties.
13. I do not consider it necessary to set the patio or privacy screening in from the shared boundaries of either No.21 or No.25, given the similar heights of the patios at each of these properties and the similar window heights. The reduced area of patio shown on drawing number PL23 A300 Rev F, would not provide adequate space for a family to enjoy sitting directly outside the house, without obstructing access between the house and the steps down into the garden. It would also leave a narrow strip of redundant garden land between the side of the patio and the boundary with No.25, which would appear unsightly if not aligned with the remainder of the garden boundary fencing. I note from the appendix attached to the Council's appeal statement that one neighbour has confirmed, in relation to a separate application, that they are happy with the new fence that has been constructed, which protects their privacy. The Council has not disclosed which neighbours submitted this comment, but I note that no objection was received to the initial application by the occupiers of No.21 and the appellant's final comments suggest that the comments submitted by the Council are from No.25.
14. I therefore conclude that the conditions requiring parts of the patio and its screening to be inset from the boundary, are not reasonable or necessary to make the development acceptable in planning terms. The development is acceptable in its current form, and subject to the patio level and fencing being retained at their current levels, the development accords with policy PS10 of the City of Leicester

Local Plan (2006), which requires that new development does not harm the amenity of existing and future residents, including in terms of privacy and overshadowing.

Conditions

15. As the development is complete, including the requirements to remove the front and rear canopies, it is not necessary to impose conditions relating to these matters, or listing drawing numbers that the development must be carried out in accordance with.
16. Conditions to retain the finished floor level of the patio at its current level and to retain the patio fencing in its current form at all times, are reasonable and necessary to maintain adequate standards of privacy between neighbours.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed, and the planning permission granted by the Council is varied by deleting the original three conditions and replacing them with the two set out in my decision above.

R Bartlett

INSPECTOR