

PLANNING INSPECTORATE APPEAL DECISIONS		
20198011A	49 STOUGHTON ROAD, LAND AT REAR OF	
Proposal:	CONSTRUCTION OF ONE DETACHED HOUSE (3 BED) (CLASS C3) WITH ACCESS FROM STOUGHTON ROAD AND FORECOURT PARKING (AMENDED PLANS RECEIVED 27/06/2018)	
Appellant:	MR J RAI	
Appeal type:	Planning Householder Appeal	
Appeal received:	1 April 2019	
Appeal decision:	Dismissed	
Appeal dec date:	9 August 2019	
PK	AREA: W	WARD: Knighton



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Summary

- The appeal related to the rear garden of no.49 Stoughton Road.
- The application was refused under delegated powers in February 2019 by reason of poor design, detriment to the Conservation Area, harm to trees subject to a Tree Preservation Order (TPO) and impact on the outlook of the adjacent property.

Location and Site Description

- The main property on site is a two storey detached dwelling. The principle elevation of the host property faces Guilford Road, whereas the proposed dwelling would have faced Stoughton Road.
- The site sits immediately to the south of Stoneygate conservation Area and within a Critical Drainage Area.
- The north elevation of the site has a number of trees, some of which are subject to a TPO.

The Proposal and Decision

The proposed development is for construction of a detached three bedroom property situated to the east of the host property on site, and fourth room in the loft for use as a cinema room. The property would have an 'L' shaped footprint projecting to the rear. The property would have a staggered front elevation. The property would have a maximum width of 9.6 metres along the front boundary and a total depth of 9.8 metres along it's western elevation. The depth of the property adjacent to the east (adjacent to no.51 Stoughton Road) would be 5.7 metres which would maintain a distance of 2.8 metres from the common boundary with the adjacent property. At its rear, the property would have a width of 6.8 metres for a depth of 3.6 metres.

The property would be of two storeys with accommodation in the loft. The ridge height of the host dwelling would 8.9 metres and eaves height of 5.4 metres. There would be pitched roof front dormer and a gable front to the western side of the property. The front dormer would have a width of 1.9 metres and depth of 0.7 metres. At the rear, there would be an 'L' shaped dormer following the footprint of the property beneath. The dormer would have a flat roof at the rear.

The extensions finishes are to be of render at ground floor on the front and rear elevations with cladding at first floor level. On the side elevations to the property would be wholly rendered. The plans suggest that two water butts are proposed.

The access into the site would be to the eastern side of the northern boundary along Stoughton Road. The access would be adjacent to the access to no.51 Stoughton Road. Two parking spaces are proposed on site, one to the front and the second to the side (east) of the property.

Amended plans have been submitted which alter the driveway and access into the site to move it across from no.51 Stoughton Road.

Planning permission was refused for the following reasons:

1. The proposed dwelling, by means of its design, size and location, would appear at odds with the character and appearance of the street scene and surrounding area. The proposed dwelling would appear cramped and would not make a positive contribution to the surrounding area, contrary to paragraphs 127 and 130 of the NPPF, Core Strategy policies CS03 and CS18 and saved policy PS10 of the City of Leicester Local Plan.

2. The proposed dwelling, by means of its design, size and location, would result in significant pressure to prune and cut-back trees protected by Tree Preservation Order 198 resulting in a poor living environment for the future occupants on the site and the erosion of the leafy character of the Stoneygate Conservation Area boundary. The proposal would therefore be contrary to paragraph 127, 130 and 200 of the NPPF, Core Strategy policies CS03 and CS18 and saved policies UD06 and PS10 of the City of Leicester Local Plan.
3. The proposed dwelling, by means of its design, size and location, would result in detriment to the outlook of the occupants of no.51 Stoughton Road in respect of outlook. The proposal would therefore demonstrably harm the residential amenity of the neighbouring property contrary to paragraph 127 of the NPPF, Core Strategy policy CS03 and saved policy PS10 of the City of Leicester Local Plan.

The Appeal Decision

The appeal was dismissed.

Commentary

In terms of the first reason for refusal, the Inspector noted the wider setting of the site, relationship with the Conservation Area and the general built proportions of properties in this location. The Inspector also noted built form of adjacent properties, roof profiles and compared this with the proposed dwelling. The Inspector agrees with the local planning authority's assessment of the design of the proposed dwelling being top-heavy, use of unrelating materials and cramped appearance of the finished development and concludes the proposed property would appear cramped within the street scene and would not make a positive contribution to the adjacent Conservation Area.

In assessing the impact on the trees protected by a TPO and the living environment of the future occupants of the proposed dwelling, the Inspector agreed with only part of the reason for refusal. Whilst there was agreement that the proposal would be contrary to policy PS10 of the City of Leicester Local Plan in terms of the visual quality, the Inspector did not agree that the proposal would result in greater pressure of tree pruning. The Inspector advised that any pruning of such trees would be subject to prior approval from the City Council and there was limited information in respect of the tree roots being impacted by the development itself.

In assessing the impact on the amenity of the occupiers of 51 Stoughton Road, the Inspector noted the three side windows at the adjacent property. The Inspector considered the design and bulk of the proposed dwelling combined with the proximity to the side elevation of no.51 would be overbearing. The Inspector concluded the proposal would be contrary to policy PS10 of the City of Leicester Local Plan.

The Inspector agreed with most of the assessment of the LPA and supported its assessment against relevant policies in so far as relating to the impact on Character and Design and the impact on existing and future occupiers of the site and no.51 Stoughton Road.