



Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 5 JANUARY 2022

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Joel, Dr Moore, Pandya, Thalukdar, Valand and Whittle

One unallocated Labour group place

One unallocated Non group place.

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

For Monitoring Officer

Officer contact:

Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 /

e-mail: aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk

Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact: **Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 or , Democratic Support Officers.** Alternatively, email aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

3. MINUTES OF THE PREVIOUS MEETING

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 8 December 2021 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) **20211801 4 BARBARA ROAD** [Appendix A1](#)

(ii) **20212348 ST SAVIOURS ROAD, ST SAVIOURS CHURCH** [Appendix A2](#)

5. PROPOSED NEW ARTICLE 4 DIRECTION FOR CONVERSION OF DWELLING HOUSE (CLASS C3) TO SMALL HOUSES IN MULTIPLE OCCUPATION (CLASS C4) - CONSULTATION REPORT [Appendix B](#)

The Director of Planning, Development and Transportation submits a report to seek the view of the Planning and Development Control Committee on the proposal to implement a new Article 4 (A4D) applying to the conversion of dwelling houses (Class C3) to small Houses in Multiple Occupation (Class C4) (HMOs).

The Committee is requested to provide comments on:

- The proposed new A4D and the areas it is intended to cover; and
- The retention of the 2013 A4D, which will apply alongside the proposed new A4D, and the areas it covers.

6. 2021 APPEALS REPORT [Appendix C](#)

The Director of Planning, Development and Transportation submits a report to provide Members of the Planning and Development Control Committee with an update on the outcomes of appeals received during 2021.

Committee Members are requested to note the report.

7. ANY URGENT BUSINESS

8. CLOSE OF MEETING

Appendix A1

| | | |
|-----------------|--|---------------------------------------|
| 20211801 | 4 Barbara Road | |
| Proposal: | Change of use from dwelling house (Class C3) to residential care home (2 Bedrooms)(Class C2)(Amended 13/10/2021) | |
| Applicant: | Mr Nizam Bata | |
| App type: | Operational development - full application | |
| Status: | Change of use | |
| Expiry Date: | 7 January 2022 | |
| SSA | TEAM: PD | WARD: Braunstone Park & Rowley Fields |



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Summary

- The application is brought to committee due to more than five objections received.

- 8 objections have been received on grounds of the use of the property as a care home, residential amenity, potential noise and disturbance, antisocial behaviour, inadequate parking and highway safety.
- The main issues are the principle of the use, the impact on the residential character of the area; increased activity, impact on amenity of nearby occupiers, highway safety and parking.
- The application is recommended for approval.

The Site

The property is a detached bungalow located within a primarily residential area. There is gated vehicular access providing one off-street parking space and an approximately 1m high brick boundary wall. There is patio area at the rear that leads to steps to a large sized rear garden that is on lower ground level.

The surrounding area is a mix of housing types that includes bungalows, two storey detached, semi-detached and terraced houses. The property to the north west side (2 Barbara Road) is a 2-storey semi-detached house. There is a double garage to the south east of the application site and then a detached house at no. 8.

Background

20081753 – In December 2008, an application was approved for alterations and an access ramp at the front; single storey extension at the rear of a bungalow (Class C3) to provide accommodation for a disabled person. Including the conversion of an existing garage, replacing the existing garage door with a window and extending it to the rear – Implemented.

19780263 - Details of bungalow granted outline planning permission on the 20th December 1976 under ref no 19761432 - determined on 29/03/1978. Implemented.

19761432 - Adjacent to 2 Barbara Road – Outline application for demolition of garage and erection of bungalow – Determined 13/12/1976

The proposal

The application is for change of use to a residential care home to accommodate a maximum of two persons at any point in time.

The property comprises 2 bedrooms, one with an attached wet room, dayroom/office, lounge, kitchen, utility, shower room which will be used as a shared facility. The day room/office will be used by the carers who will look after the children.

Alterations are proposed to the front courtyard to provide three off-site parking spaces.

The applicant states that:

- The proposal will accommodate a maximum of two children aged between 8 and 16 with learning disability and/or autism.
- Staff will work two 12 hour shifts covering the 24 hour period. Shifts will be 09.00am to 21.00pm. It is anticipated that the staffing ratio will be a maximum of 2 staff to 1

young person for the day shifts and 1 staff to 1 young person overnight. This would indicate that there will be a maximum number of 4 staff and 2 young people (weekends and when the children are not at school) with the occasional social worker/Ofsted/family visitor (possibly once or twice a week visit).

- There is sufficient parking on the drive for three vehicles for the Support Workers/visitors though it is anticipated most staff will take public transport to the Home.
- The Home will be Ofsted registered, and apart from the requirement that as a business, waste collection contracts will be set up for collection of refuse and recyclable waste, there will be little outward change in the proposed use.

Policy Considerations

National Planning Policy Guidance (NPPF) 2021

Paragraphs 2 and 11 (Presumption in favour of Sustainable Development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110 and 111 (Highways safety)

Paragraph 119 (Effective use of land)

Paragraphs 130 and 134 (Good Design)

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Documents (SPD)

Residential Amenity

Appendix 1 of the Local Plan – Vehicle Parking Standards

Consultations

Local Highway Authority: Demand for parking on Barbara Avenue does not appear to be excessive and the proposal is unlikely to generate a higher parking demand than a dwelling to result in severe detrimental impact on highway safety.

Representations

8 letters of objections have been received from nearby occupiers raising the following concerns:

- The change of use breaches the restrictive covenant on all Rowley Fields residential dwellings which restricts the use of residential properties so you cannot carry out or perform a business activity from the property (covenants are not a material planning consideration)
- The change would have a negative impact on the character of the neighbourhood.
- The area is a quiet peaceful residential area, not a commercial area and it should be retained as a dwelling house. There are huge demands for rented residential accommodation.
- It would set a precedent for other properties to change their use to business rather than residential.

- The planning statement suggests that there is sufficient parking on the drive for 3 vehicles for the Support workers/ visitors; however, this is not true and there is only be parking for one car.
- Use would create more vehicular traffic and noise from all visitors, staff and service providers and disturb the peace and quiet of the road and will increase the number of cars parked outside the house. This is opposite to the Council's aim of reducing the private car journeys and increase the use of public transport.
- The proposal states that parking would be adequate as staff will be encouraged to use buses. There are no buses on the estate and private provision would of course necessitate parking. The road is already busy.
- Insufficient details of business and household waste collection, if bins placed at the front, it would affect the number of vehicles which could park at the front of the property.
- Several discrepancies on this application:
 - Name of the applicant on this application is not the name our neighbour gave us.
 - Application form states that there are no trees or hedges on the property, which is not true, there are trees there are hedges and shrubs in the front and trees at the rear.
 - There is sufficient parking on the drive for three but only one space available at front.
 - The 'Maps' button shows Number 2 Barbara Road as the planning application site highlighted instead of 4 Barbara Road. Residents in the area need to be notified of any changes to number 2 Barbara Road separately and immediately
 - The Application document refers to 2 part-time employees whilst the Supporting Info document states "there will be a maximum regular number of 4 staff", clarify whether there will be just two part-time staff or 4 full time staff on duty at the proposed care home.
- Protect the green provision/ wildlife by retaining the front and rear gardens.
- Lack of planning procedure; Insufficient publicity notification, nearby residents have not been notified and no site notice has been placed near the site.
- The proposal affects the whole street and not just the adjoining properties. The Council should rectify this omission and extend the deadline for the comments.
- The care home for two special need children aged 8-16 will need intensive support and their challenging behaviour probably will disrupt the current residential nature of Barbara Road and could pose significant risk to neighbours;
- Variety of backgrounds, teenagers with emotional needs and behavioural issues would bring more disturbance in the area and this needs to be weighed seriously in any decision.
- Concerned about the likely hood of any noisy, unruly, disruptive or anti-social behaviour, further increased noise levels and other disruptive elements.

- Recent official report on children's' care homes highlights the constant danger of criminal drug gangs and other predators targeting child care homes and the highly vulnerable children inside them
- The proposal fails to explain how the two-bed care home would be financially viable and would meet the needs of these children effectively. The proposed provider has no experience of providing children's residential care.
- No reassurance that once granted there would not subsequently be further extension and expansion.
- It will affect property prices in the area (not a material consideration).

Consideration

The main issues are principle of the use, level of accommodation, impact on the amenity of future and nearby occupiers and whether the staff working on shift patterns will have significant change in the character of the dwelling and the wider area through increased coming and goings, waste management, access and parking demand and representation received .

Principle of development

The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents. The Council's Core Strategy Policy CS06 supports the provision of supported housing to meet other identified special needs

The property is located outside a restricted hotels, hostels and residential institutions area where City of Leicester Local Plan policy H16 states that planning permission will not be granted for a change of use to a residential institution unless it can be demonstrated that there would be no adverse effects on the amenities of neighbours or on the residential character of the area.

There does not appear to be a concentration of such uses in the immediate locality.

The property is surrounded by predominantly residential properties. Although the change of use would result in the loss of a house, the proposed 2 bed care home will be a managed provision where assisted living is provided for the residents.

I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06.

Amenity and character and appearance

The bedrooms and other principal rooms will be provided with good outlook from the existing windows. I consider an acceptable level of amenity will be provided in terms of privacy, outlook and natural light for each of the residents.

The two children to be housed will be accommodated within the existing bedrooms, and whilst some comings and goings to and from the house may increase due to social and medical needs, however this is unlikely to be significantly above the levels expected in a family house.

There are no internal and external alterations required to the dwelling itself in order to facilitate the change of use to a care home except for changes to the front courtyard. I do not consider the proposal would adversely affect the residential character or

appearance of the property or have any negative visual impact on the surrounding residential area or the street scene. I conclude that the proposal would comply with Core Strategy policies CS03 and CS08 and saved local plan policy PS10 and is acceptable in visual and residential amenity terms.

The rear garden is approximately 140sq.m and is screened by a boundary fence which would provide satisfactory private amenity area, storage for cycle and bins for the residents.

Waste bin storage

The applicant states that a contract will be set up for collection of refuse and recyclable waste. However, the provision of waste storage would remain as existing and there will be little outward change by the proposed use. A condition is being recommended in this respect and I therefore consider this part of the proposal to be acceptable.

Access and parking

Policy CS14 of the Leicester Core Strategy (2014) states that development should be easily accessible to all future users, and that it should be accessible by alternative means of travel other than by car, promoting sustainable modes of transport such as public transport, cycling, and walking and be located to minimise the need to travel. I have attached a condition that requires details of cycle parking to be provided.

Appendix 1 of the City of Leicester Local Plan sets out the parking requirements for the City. The maximum number of parking spaces for a residential institution within Zones 3 and 4 is one space for every four bedrooms, which would equate to a maximum requirement for one off street car parking space.

The front courtyard is bounded by approx. 1m high brick wall and partly paved area at the front. There is gated vehicular access and off-site parking available for at least one vehicle at the site. The submitted plans shows three parking spaces but no details have been provided. However, the depth of the front yard is approx. 6m deep where two additional car parking spaces could be accommodated if the front wall is removed and a new access created.

There is unrestricted on street parking in front of the property and any additional on street parking will have a minimal detrimental impact on highway safety. Moreover, the site is within 250 metres of a good public transport link on Narborough Road and Barbara Road itself is a wide road with minimum level of vehicular traffic. It is located close to amenities and in close proximity to where there is sustainable modes of travel available to staff members and visitors. It is unlikely that permanent residents will have access to the cars.

Given the number of residents and the care staff required at any one time, I consider that the proposal will not have a severe detrimental impact on parking in the local area or result in highway safety to warrant a refusal.

As such, I do not consider that the proposal is contrary to saved policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS14 and paragraphs 110 and 111 of the NPPF.

However, within Class C2 the property could be used for a residential school, college, training centre or a hospital. These uses could result in additional comings and goings, general disturbance and greater parking demand. Further consideration for these

types of uses is necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

Other matters

The concerns over the use of the property, amenity, waste management, access and parking raised by the residents have been addressed in the above relevant sections.

The property would provide a home for two children with staff assisting to provide them with a living environment similar to a typical family home and the children despite having special needs will be living as a single family unit.

The proposal will be a managed provision and would meet the needs of the children effectively therefore issues relating to crime and anti-social behaviour would be managed by the care team and by the other law and enforcement agencies. Likewise, emotional needs and behavioural issues, security and supervision and health care provisions are matters for care teams, other agencies and regulations.

Neighbour notification letters were sent out on 27th September referring to the correct application address to the adjoining properties and sites opposite the application site in accordance with adopted Statement of Community Involvement and statutory planning legislation. The required 21 days was allowed for residents to submit their concerns. There is no requirement for posting site notices for this type of proposal. Sufficient time has been allowed for residents to submit their concerns.

Any restrictive covenant that may have been imposed on the property would be a civil matters and not a material planning consideration.

The ownership certificate B has been submitted and a required notice has been served to the owner about the development.

No external alterations are proposed to the dwelling, except for the proposed alterations to the front courtyard to provide additional parking.

There are no protected trees or hedge on the site and their removal do not require planning permission.

The viability of the proposed use is a matter for the operator and the impact on the value of properties in the area are not material planning consideration.

Conclusion

I consider that the use of the application property as a small two bed-care home is an acceptable use within a residential area.

The property will be used in a way that is similar to a typical family house and as such, I do not consider the proposal would cause significant harm to the amenities of the future occupiers or the neighbouring properties or result in detrimental impact on the residential character of the surrounding area.

The development is not likely to cause severe harm to the local highway network or result in additional parking demand and is considered acceptable in highway terms.

I consider that the proposal would be in accordance with the aims of the NPPF 2021 and development plan policies and guidance.

I therefore recommend **APPROVAL** subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS06 and CS14 of the Leicester Core Strategy (2014) and saved Policies PS10 of the Local Plan (2006.)
3. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policies UD06 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)
4. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan.)
6. Development shall be carried out in accordance with the following approved plans and supporting documents:
Block/Site Location Plan - received on 19/07/2021
Existing and Proposed Floor Plan and Elevations - drawing ref no. 21-02-01-07A received on 03/09/2021
Planning Statement received on 23/09/2021
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in

favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_H05 Planning applications involving the loss of housing will be refused unless they meet criteria.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

| | | |
|-----------------|---|----------------------|
| 20212348 | St Saviours Road, St Saviours Church | |
| Proposal: | External and internal alterations to Grade II* Listed Building (Class F1) | |
| Applicant: | RCCG City of Favour | |
| App type: | Listed building consent | |
| Status: | Other development | |
| Expiry Date: | 13 December 2021 | |
| PB | TEAM: PD | WARD: North Evington |



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Summary

- the application is brought to the Committee as the planning agent is related to a Member of the City Council;
- the application relates to a grade II* listed building that is on Historic England's national Heritage at Risk register;
- Main consideration is the impact of the proposed works upon the special architectural and historic interest of the listed building;
- the application is recommended for approval with conditions.

The Site

This application relates to a grade II* Listed Building situated between St. Saviour's Road and Wood Hill in the Spinney Hills area of the city. The listing comprises the main Church building, the gate piers, and the iron railings to the west of St. Saviour's Road. The Church dates from 1875-1877 and was designed by the notable national architect Sir George Gilbert Scott. Historic England's listing entry summarises the importance of this Listed Building as follows:

“This is a lofty and very imposing city church by Sir G G Scott with a massive tower which is major landmark in this part of Leicester. The interior, which has many fittings surviving, has a notably fine series of roofs”.

The application site is flanked by two locally listed heritage assets that are historically connected to the grade II* Listed Building. To the east, the former St. Saviour's Vicarage (c. 1876, by Sir George Gilbert Scott's practice) and, to the west, the former St. Saviour's School (c.1882-83 by local architect Stockdale Harrison).

Background

I understand that the Church was closed for worship in 2006. In the intervening 15 years the condition of the building has deteriorated, and it is now on Historic England's Heritage at Risk Register. The Register entry rates the building condition as poor and the accompanying description states that significant repairs are needed to the spire, roof and guttering.

In 2017 applications for planning permission (20171830) and listed building consent (20171831) were made on behalf of the Redeemed Christian Church of God (RCCG) City of Favour Church for development and works that would enable the building to be brought back into use as a place of worship. Both applications were approved with conditions on 6th August 2018.

The development approved by planning permission 20171830 comprised:

- the felling of two TPO-protected trees within the grounds of the church;
- the rebuilding of brick piers to create wider openings to enable vehicle access onto the site from St. Saviour's Road and Wood Hill;
- hard surfacing within the grounds of the Church to provide an access road with 24 car parking spaces, as well as the provision of cycle parking and a bin store.

The works approved by listed building consent 20171831 included the rebuilding of brick piers (as above) and internal works to create offices, toilets and meeting rooms. Both the planning permission (20171830) and listed building consent (20171831) previously approved were subject to the standard three-year time limit on commencement. I understand that no development or works have been undertaken, and consequently the planning permission and listed building consent expired on 6th August this year (2021).

The Proposal

The proposal is for a fresh approval for the external and internal works needed by the RCCG City of Favour Church to facilitate their use of this grade II* Listed Building. The applicant's agent is aware that a fresh planning permission will also be needed for the external development and I understand that a planning application is being prepared for submission to this end.

The proposed external works are as follows:

- rebuilding of one gate pier to St. Saviour's Road frontage to create 3m wide opening and new metal gates;
- rebuilding of one gate pier to Wood Hill frontage to create 3m wide opening and new hardwood gates;
- damaged roof tiles to be repaired;
- damaged rainwater pipes and guttering to be replaced;
- broken windows and stained glass to be restored; and
- CCTV, alarms and audio-visual equipment.

The proposed internal are as follows:

- removal of some pews and reduction in size of some pews to allow for access;
- installation of partitions and suspended ceiling to create three meeting rooms;
- removal of damaged partitions;
- removal of timber panelling and installation of toilet facilities with ventilation/extraction;
- refurbishment of font if salvageable or removal;
- removal of damage organ and installation of partitions to create pastor's and secretary's office;
- repairs to floor tiles where required; and
- CCTV, alarms and audio-visual equipment;

Policy Considerations

National Planning Policy Framework (NPPF) (2001)

Paragraph 38 encourages local planning authorities to approach decisions in a positive and creative way and states that they should work proactively with applicants. It goes on to state that decision makers should seek to approve applications for sustainable development where possible.

Paragraph 56 lays down the tests for planning conditions. They are that planning conditions must be: necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable.

Paragraph 194 states that, in determining applications, local planning authorities should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 195 requires local planning authorities to assess the significance of any heritage asset affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset.

Paragraph 197 requires local planning authorities to take account of: (a) sustaining heritage assets with viable uses; (b) the positive contribution heritage assets can make to communities including economic viability; and (c) the desirability of development positively contributing to local character and distinctiveness; when determining applications.

Paragraph 199 states that great weight should be given to the asset's conservation when considering the impact of proposed development.

Paragraph 200 states that any harm to or loss of a grade II* Listed Building should require clear and convincing justification, and that substantial harm should be wholly exceptional.

Paragraph 201 states that proposals leading to substantial harm to a designated heritage asset should be refused unless necessary to achieve substantial public benefits or certain circumstances (as specified in criteria a-d of this paragraph) apply.

Paragraph 202 states that proposals leading to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

Development plan policies relevant to this application are listed at the end of this report.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest.

Consultations

Historic England: On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

Representations

None received

Consideration

Core Strategy Policy CS18 states that the Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. It goes on to state that the City Council will monitor historic

buildings at risk and take action where necessary to secure and improve those buildings deemed at most risk, and that the advice of statutory and local consultees in relation to applications affecting designated and other heritage assets will be considered.

Special Architectural and Historic Interest

As a listed building consent application, the principal consideration in this case is the impact of the proposed works upon the special architectural and historic interest of the Listed Building.

A Heritage Statement (by ChurchCare, originally dated June 2004 and updated October 2015) has been submitted with the application. This includes an assessment of the significance of the heritage assessment, fulfilling the requirement of paragraph 194 of the NPPF. The building's significance is summarised as: a very imposing church, well detailed, making a major contribution to the street and townscape; a lofty and impressive space; roofs particularly good; the furnishings (especially the windows) are of good quality and though their value as an ensemble has suffered by loss and damage they remain of moderate significance overall; and [historically] of significance to the development of Leicester in the 19th Century.

The above assessment of significance has been taken into account when considering the works the subject of this application, as required by NPPF paragraph 195.

More often than not, the best use of a listed building is that for which it was originally designed. It is clear that the condition of the fabric of this building has deteriorated (and indeed continues to deteriorate) since the building closed as a place of worship in 2006. The proposed works would not only arrest the decay by making the building fully weathertight again, but would also give the building a viable use as a place of worship for part of the city's Christian community and as such would help to sustain this important designated heritage asset for future generations. This is consistent with NPPF paragraphs 197 and 199.

Some aspects of the proposed works – those associated with the provision of facilities to make the church fit for use by a 21st Century congregation – would cause less than substantial harm to the significance of this heritage asset. Having regard to paragraph 200 of the NPPF, which states that *any* harm to a grade II* Listed Building should require clear and convincing justification, and paragraph 202 which states that proposals leading to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal, I consider that the interventions are minimal and needed to give the building a viable future as a place of worship and that the overall package of works of repair and restoration to secure the future of this heritage asset should be given great weight as a public benefit. In short, although there would be some less than substantial harm (and this is considered to be at the lower order of the spectrum of harm) to the significance of the heritage asset, this is justified by the now pressing need to bring the building back into use, for its original purpose as a place of worship, and outweighed by the broader public benefit of the works to repair and restore the works.

Subject to control of certain details (see below) there would be no harm to the special architectural and historic interest of this grade II*listed building. The proposed works

would help to protect the historic environment of the City and would go some way to addressing the issues that have led to this asset's inclusion on Historic England's Heritage at Risk Register. I consider that the proposal complies with Core Strategy Policy CS18.

To ensure that the proposed works are executed to a specification that would contribute to the preservation of the special architectural and historic interest of this grade II* Listed Building, I consider that the following details will need to be agreed:

- (a) a sample panel of repointed brickwork (recommended condition 3);
- (b) samples of bricks including re-use of existing bricks wherever possible (recommended condition 4), samples of stonework (recommended condition 5) and samples of slate (recommended condition 6)
- (c) a full schedule of roof repair works (recommended condition 7);
- (d) a full internal schedule of works of specified details (recommended condition 8);
- (e) a specification of repair/restoration works to the pulpit and font (recommended condition 9);
- (f) a specification of the repair/restoration of the floor tiles (recommended condition 10); and
- (g) a specification of the repairs/replacement of rainwater goods (recommended condition 11).

I am satisfied that the above details can be secured and agreed at appropriate stages in the works through conditions of listed building consent.

Other Matters

By conserving the principal heritage asset – i.e. the grade II* Listed Building, I consider that the proposals would contribute positively to the group formed by this and the two adjacent non-designated heritage assets (i.e. the former Vicarage and School buildings).

Some of the drawings submitted with this application show development that needs planning permission. As noted above, the applicant's agent is aware of the need for a separate planning application and I understand that the preparation of a planning application submission is in hand. For the avoidance of doubt, however, I recommend a note to the applicant to clarify that the listed building consent only relates to the works requiring listed building consent.

Similarly, an ecology survey has been submitted with the subject application. As an application for listed building consent, however, the principal consideration in this case is the impact of the proposed works upon the special architectural and historic interest of the Listed Building. In any event, the submitted ecology survey is out of date and the applicant has been advised that an updated one will be required as part of the planning application submission. As a safeguard against any works being undertaken as a result of the grant of listed building consent that could impact upon protected species potentially present at the site, I recommend a further note to the applicant reminding them, on a without-prejudice basis, of landowners' responsibilities in relation to bats.

Conclusion

The proposed works would help to secure the future of this grade II* Listed Building and bring it back into a viable use, that being a use consistent with the purpose for which the building was originally designed. In so doing, it would help to preserve its special architectural and historic interest for future generations. In reaching this conclusion, regard has been had to the building's current status as a heritage asset on Historic England's Buildings at Risk Register. Subject to details that can be agreed, the proposal would comply with the relevant provisions of the NPPF and Policy CS18 of the Leicester Core Strategy (2014). I recommend that this application be APPROVED subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS - LB CONSENT OR CA CONSENT
2. All external alterations should be carried out in strict accordance with the schedule of remedial works (ref - STR/IPR/IPG / 180782 / 17-3/S000 - Issue 01) unless otherwise agreed in writing by the Local Planning Authority. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)
3. Prior to the replacement or repointing of external brickwork or stonework, a 1m² sample panel of repointed brickwork shall be carried out on site and approved in writing by the LPA. Once the sample panel has been agreed, all further works shall be carried in accordance with the approved details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
4. Bricks in those sections of the wall and capping to be repaired must be carefully removed by hand and set aside for reuse (turned) where possible. Where the condition of the bricks is so poor that they cannot be salvaged, these must be replaced on a like for like basis with reclaimed bricks. Samples of these shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)
5. Prior to the commencement of any stonework replacement, any new stone shall be suitably sourced to match the existing, a sample of which shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
6. Prior to the commencement of stripping and relaying existing Welsh slate roofs, any new slates shall be suitably sourced to match the existing, a sample of

which shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

7. Prior to any roof repairs being carried out, a full schedule of repair works confirming the extent of the works shall be submitted to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. This schedule of works should clearly identify a methodology for the roof repair works and include details of any replacement slates or other roofing materials to be used. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
8. Prior to the commencement of the works, a full internal schedule of works shall be submitted to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. This shall include:
 - i) Details of all new plumbing, electrical wiring and ventilation for the toilets, including method of installation and location of new service runs and external extracts.
 - ii) Details of any replacement flooring works, including a methodology for uplifting existing tiles.
 - iii) Details of all new CCTV, alarms & audio-visual equipment, including location, method of installation and any additional electrical wiring.
 - iv) Methodology confirming the cleaning of all internal features to be retained.
 - v) Methodology confirming how existing pews are to be reduced in size.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

9. No works shall be carried out to the Pulpit and Font until details of their repair/restoration has been supplied to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
10. No works shall be carried out to encaustic tiles (set in Geometric patterns) within the sanctuary of the church, unless details of their repair/restoration have been supplied to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

11. Prior to the repair / replacement of the rainwater goods, details of all new gutters, downpipes, hoppers shall be submitted to and approved in writing by the Council, and the work shall then be carried out in accordance with those details. (In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
12. Development shall be carried out in accordance with the following approved plans: P1 (Location Plan); 17-08-04 P4 Rev. F (Floor Plan Existing and Proposed); 17-08-04 P5 Rev. A (Elevations 1 Existing and Proposed); 17-08-04 P6 Rev. A (Elevations 2 Existing and Proposed); 17-08-04 D4 (Proposed Partition Details); 17-08-04 P7 (Bin Store, Cycle Shelter and Entrance Gate Details); 17-08-04 P8 (Proposed Gate Details Wood Hill Elevation) - all received 14/09/2021. (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The applicant is advised that this decision notice only relates to the external and internal works requiring listed building consent. Any external development including the erection of means of enclosure, the formation of vehicle accesses, the laying of hard surfaces for access roads and car parking within the site, the construction of cycle parkin and bin storage facilities, the fixing of CCTV and other such apparatus to the exterior of the building, and the removal of TPO-protected trees, will all need a separate grant of planning permission.
2. The applicant is advised that updated ecology surveys will be needed as part of any planning application for development at the site. It is the landowners' responsibility to ensure that relevant protected species legislation is complied with before any works are undertaken. A landowner may commit a criminal offence if they: Deliberately take, injure or kill a wild bat; Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats; Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time); Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat; and/or Intentionally or recklessly obstruct access to a bat roost.
3. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021.

Policies relating to this recommendation

2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.



WARDS AFFECTED:
ABBEY
AYLESTONE
BRAUNSTONE PARK & ROWLEY FIELDS
CASTLE
FOSSE
KNIGHTON
SAFFRON
STONEYGATE
WESTCOTES

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

5th January 2022

Proposed new Article 4 Direction for Conversion of Dwelling-Houses (Class C3) to small Houses in Multiple Occupation (Class C4) – Consultation Report

Report of the Director of Planning, Development and Transportation

1 Purpose of Report

- 1.1 The purpose of this report is to seek the views of the Planning and Development Control Committee on the proposal to implement a new Article 4 Direction ('A4D') applying to the conversion of dwelling-houses (Class C3) to small Houses in Multiple Occupation (Class C4) ('HMOs'). The A4D is intended to apply to three areas of the city, which are outlined in maps at **Appendix A**. This report sets out the implications of the proposed A4D on properties within the areas where it will apply.

2 Background

- 2.1 Small-HMOs are houses occupied by 3 to 6 tenants who form more than one household (i.e. are unrelated) and share amenities such as a kitchen and bathroom. It is permitted development to convert a dwelling-house (Class C3) to a small HMO (Class C4). As a result, such conversions are not registered with the Planning Service.
- 2.2 However, an Article 4 Direction allows for the removal of the permitted development right to convert a dwelling-house to a small HMO, and thus such conversions

become controlled through normal planning regulations and processes. The legal test for making an Article 4 direction is that such an action would be 'expedient', i.e. that it is appropriate to the circumstances.

- 2.3 An Article 4 Direction applying to the conversion of dwelling-houses to small HMOs was introduced in Leicester in 2013. It was made in response to concerns raised in certain parts of the city about concentrations of student-occupied HMOs leading to increased levels of anti-social activity, imbalanced communities, and high vacancy levels in properties during the summer months. Four areas of concern were identified (Clarendon Park, West End, Walnut Street, and DMU) and the 2013 A4D was applied to them. Planning officers are satisfied that the 2013 A4D has been successful in preventing further conversions to HMOs in the areas to which it applied. However, concentrations of HMOs have arisen in areas outside the 2013 A4D areas suggesting demand for shared housing remains high in parts of the city.
- 2.4 Following the potential for a new Article 4 Direction controlling small HMOs being raised, a BRE report, *Integrated Dwelling Level Housing Stock Modelling Report and Database for Leicester City Council* (Sept 2020), was used to form an evidence base. The report collected, mapped, and analysed data identifying the locations and concentrations of HMOs across the city. It found that approximately 7% of dwellings in Leicester are estimated to be HMOs. It also found that HMOs tend to proliferate in wards close to the city centre.
- 2.5 In addition to mapping the distribution of HMOs, data showing instances of noise complaints and fly-tipping in relation to properties has been mapped and analysed. The mapping shows an overlap between the locations of concentrations of HMOs and noise/fly-tipping complaints. The number of noise complaint and fly-tipping cases was also reported by dwelling type for the 3-year period from January 2017 and showed a higher level of these issues were reported in relation to HMOs than other dwelling types.
- 2.6 A threshold that HMOs comprise a 10% or greater proportion of all dwelling stock within individual Lower Super Output Areas (LSOAs) (i.e. sub-ward geographical areas averaging approximately 1,600 residents) was selected to form the basis for the boundaries of the proposed Article 4 Direction. Data analysis showed that where HMOs make up 10% or more of dwelling stock within LSOAs, then community and social problems associated with HMO concentrations tend to arise.
- 2.7 The proposed Article 4 Direction, maps of the areas to which it will apply, and the full Report on the proposal were published for consultation on 18th November 2021. The maps of the areas to which the proposed A4D would apply can also be found at **Appendix A**. The comments received through the consultation and those from this Committee will be considered by the City Mayor when making the final decision about the confirmation of the new Article 4 Direction. The responses will also shape

its implementation, subject to confirmation of the A4D being supported and approved.

3 The Planning Framework, process for new Article 4 Directions, and Consultation

- 3.1 Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows local planning authorities to make Directions withdrawing permitted development rights where the authority is satisfied that it is expedient that development should not be carried out unless planning permission has been obtained.
- 3.2 A local authority therefore has the power to apply a new Article 4 Direction where it believes one is appropriate to the circumstances and it is practical to do so. The National Planning Policy Framework states that the use of an Article 4 Direction should be limited to situations where one is necessary to protect local amenity or the well-being of the area, be based on robust evidence, and apply to the smallest geographical area possible (para. 53, NPPF 2021). The relevant wording in the NPPF provides a steer on the purpose of Article 4 Directions and where and when they should be applied.
- 3.3 There are two types of Direction which can be made: An Immediate Direction which comes into force upon publication, or a Non-Immediate Direction which is confirmed 12 months after the Direction has been made. In the case of Immediate Directions, property owners in the areas affected have the right to financial compensation for any loss of value which can be attributed to the withdrawal of their permitted development rights. The value of a Class C4 HMO property could be in excess of a Class C3 house; given the size of the area which the proposed A4D is intended to cover, any compensation costs the Council is exposed to could be substantial. As such, a Non-Immediate Direction is recommended.
- 3.4 An 8-week consultation period is underway, and the Council has placed site notices, sent emails to Councillors of the affected wards, and corresponded with other interested groups, such as the Leicester Landlords' Association and the universities' student unions. The consultation runs from 18th November 2021 until 13th January 2022.

4 Key considerations

- 4.1 As detailed in the Report on the Proposed Article 4 Direction, since the implementation of the 2013 A4D, concentrations of HMOs have built up in certain parts of the city outside of the areas to which that A4D applies. There is an identified need for greater planning control over the proliferation of HMOs due to the cumulative effects they have had in certain parts of the city, including community

imbalance, anti-social behaviour, and shifts away from majority long-term residences to majority transient accommodation in some streets and neighbourhoods. Implementing a new Article 4 Direction to cover areas affected by these HMO concentrations will help to gain greater planning control over their proliferation and allow for more even distribution of HMOs across the city.

- 4.2 The proposed boundaries were preliminarily drawn using the mapped evidence base and refined to follow logical geographical borders such as roads, rivers, etc. and to exclude non-residential areas. The proposed Direction will apply to all existing and any future properties in the outlined areas.
- 4.3 The full report on the proposed Article 4 Direction relating to conversions of dwelling-houses to small HMOs is available online on the City Council's consultation portal, along with maps of the areas to be covered, and maps and graphs related to the evidence base. They can be viewed at:
<https://consultations.leicester.gov.uk/sec/article-4-direction-extension/>

5 **Assessment**

- 5.1 Comments are welcomed from members of the Planning and Development Control Committee on the proposed new Article 4 Direction relating to conversion of houses (Class C3) to small houses in multiple occupation (Class C4).
- 5.2 The 8-week external consultation period will close on the 13th January 2022. Feedback from the consultation will be assessed in January/February 2022 and a further paper will be taken to the City Mayor for potential approval.

6 **Recommendations**

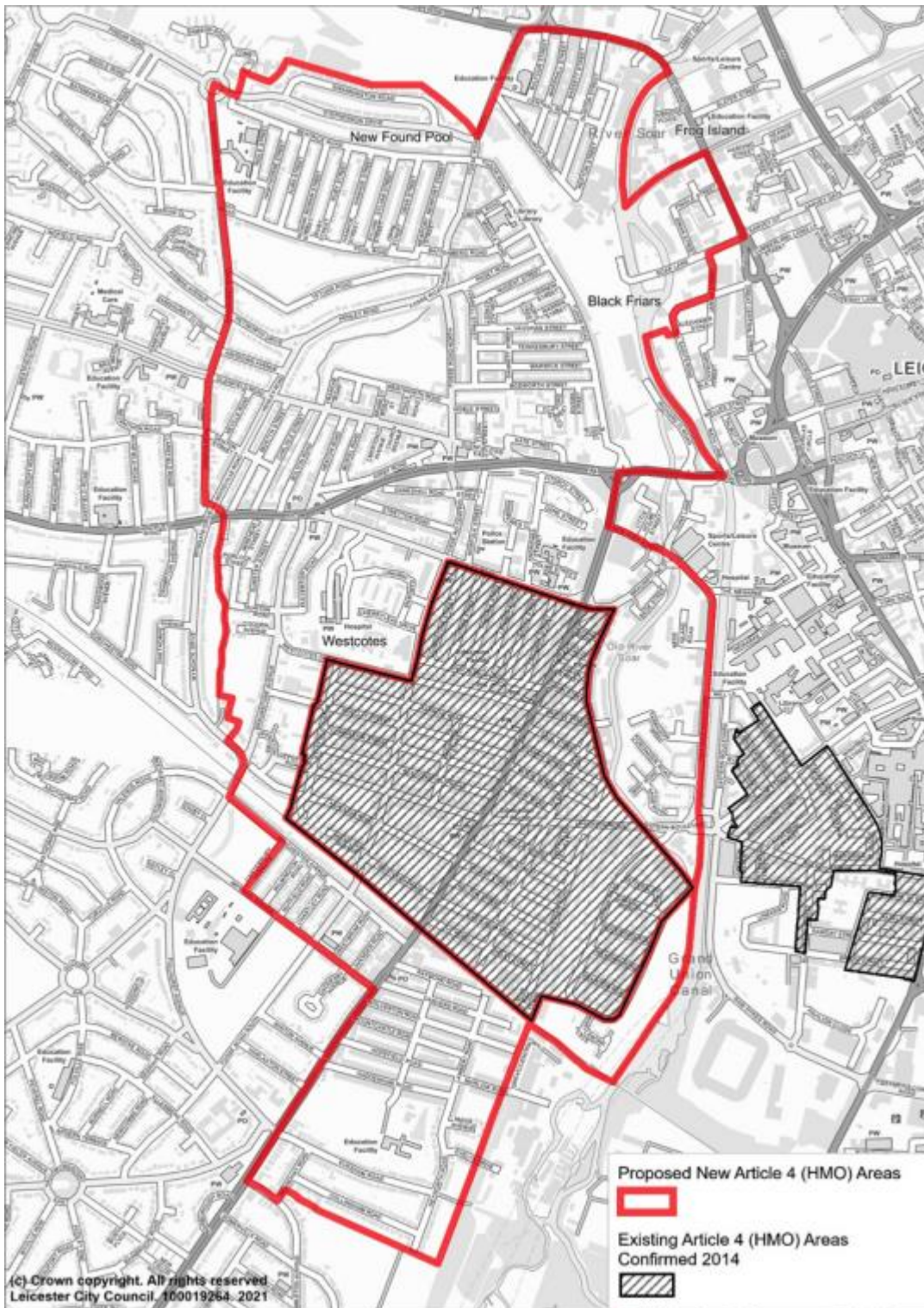
- 6.1 Comments are requested on:
- The proposed new Article 4 Direction and the areas it is intended to cover.
 - The retention of the 2013 Article 4 Direction, which will apply alongside the proposed new A4D, and the areas it covers

7 **Report Authors**

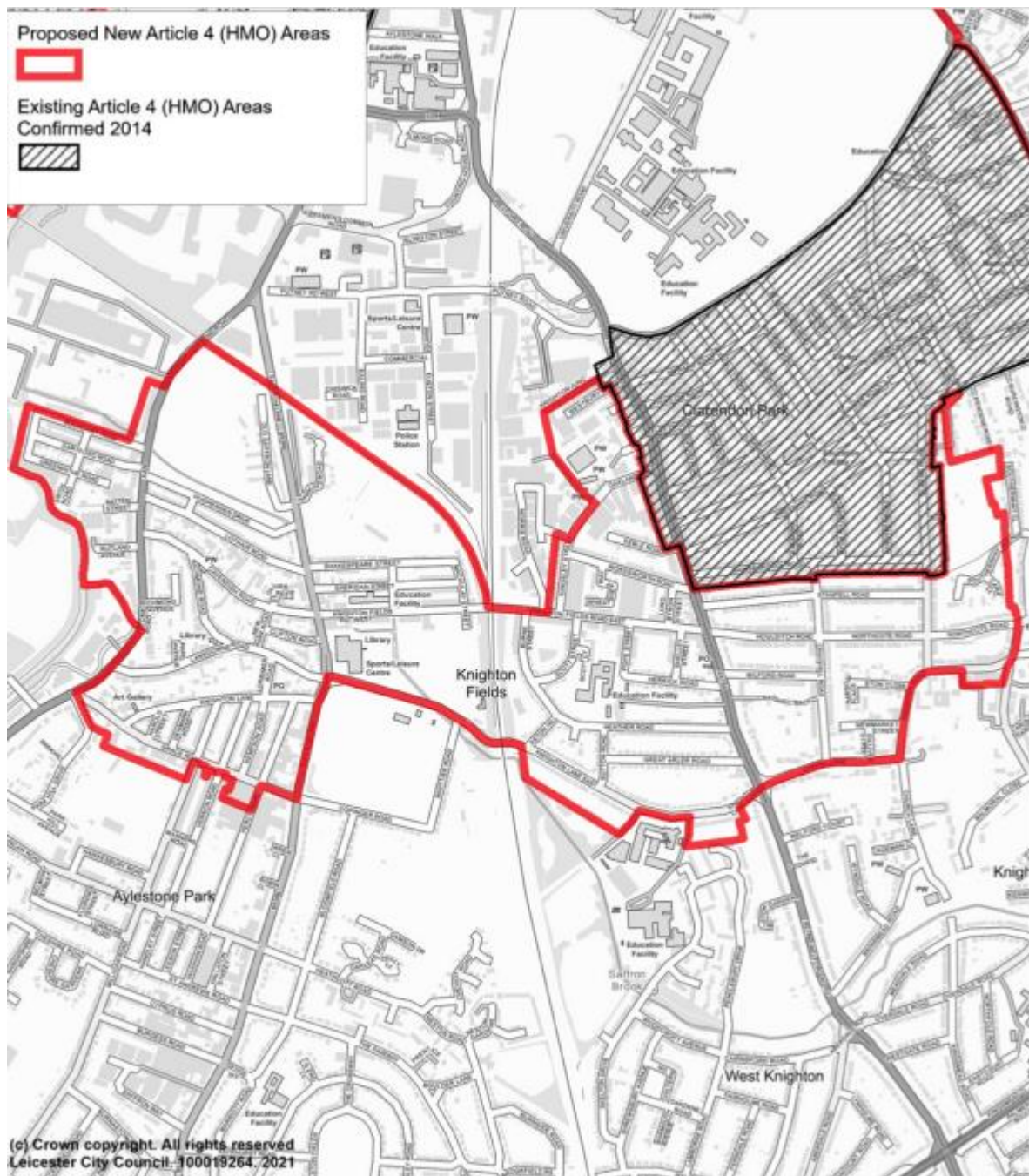
Paul O'Neill
Planner
Planning Policy Team
Planning, Development and Transportation
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Appendix A – Maps of the proposed Article 4 Direction Areas

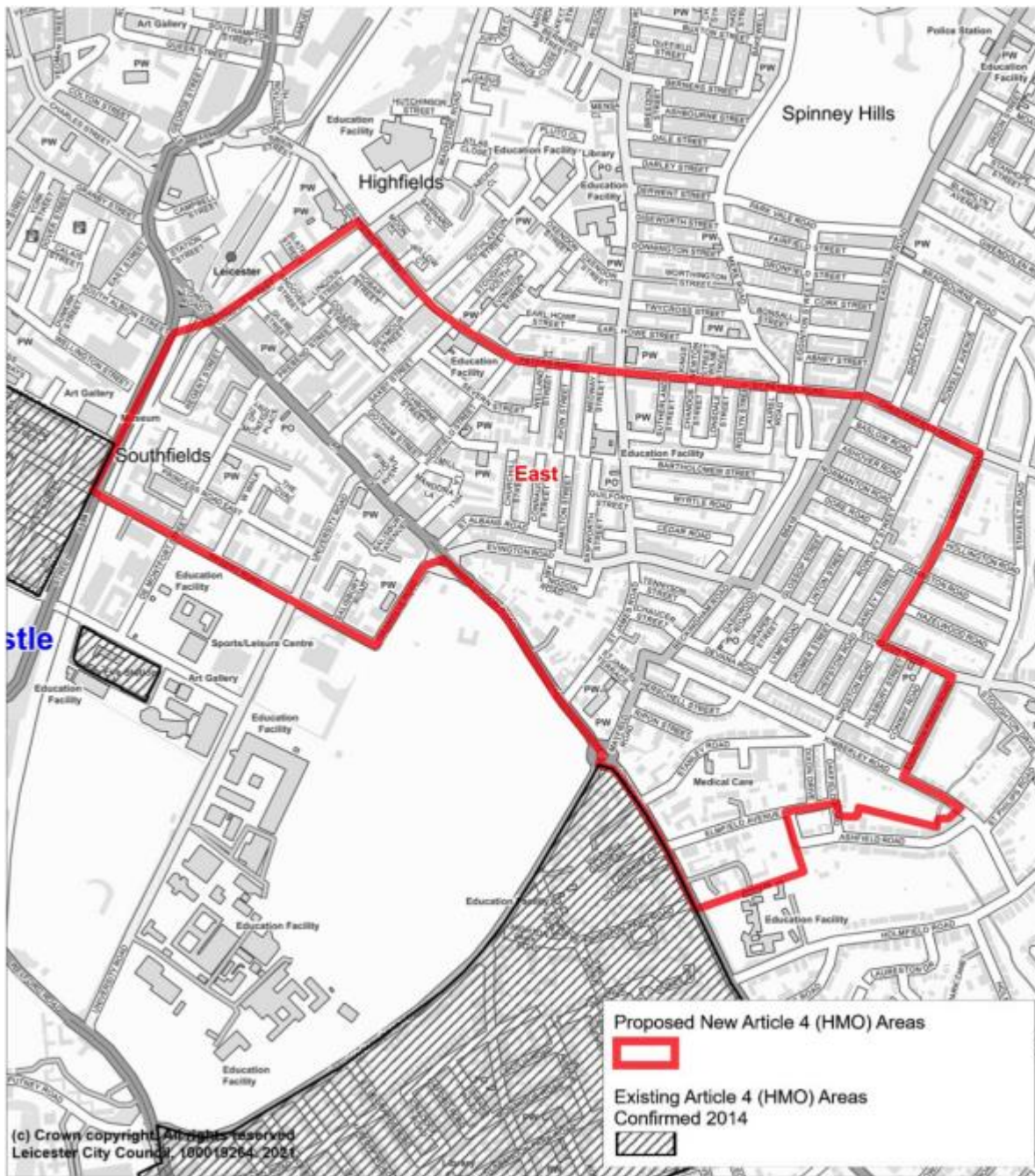
Proposed Article 4 (HMO) Area – West



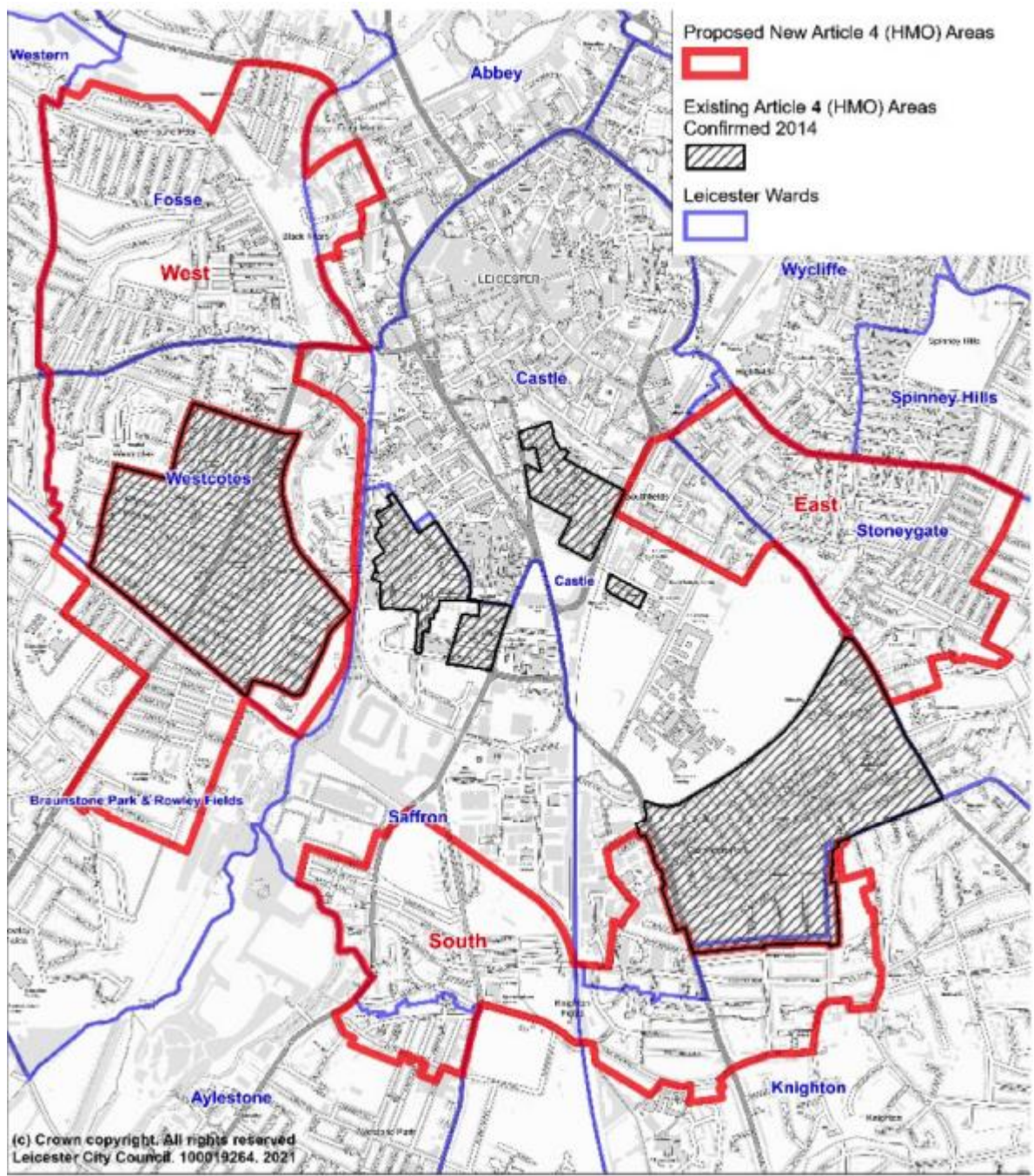
Proposed Article 4 (HMO) Area – South

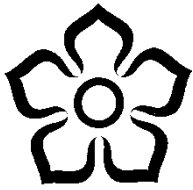


Proposed Article 4 (HMO) Area – East



Existing and Proposed Article 4 (HMO) Areas





Leicester
City Council

**WARDS AFFECTED:
ALL**

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

5th January 2022

2021 Appeals Report

Report of the Director of Planning, Development and Transportation

1 Purpose of Report

- 1.1 The purpose of this report is to provide members of the Planning and Development Control Committee with an update on the outcomes of appeals received during 2021.

2 Background

- 2.1 Most planning applications received by the Council are determined by officers on behalf of the PDCC under delegated powers and the vast majority are approved. For those applications which are refused, or not determined within the prescribed time limits set by the Government, applicants have the right to appeal to the Government's Planning Inspectorate to seek an approval. The majority of appeals are dealt with by a process of exchange of Written Representations, although there are provisions for Informal Hearings or Full Public Inquiries as necessary.
- 2.2 This report provides details of appeals received during the calendar year 2021 and sets out the outcomes and summaries of the key elements of the cases involved for Members' information.

3 Appeals received and Determined in 2021

- 3.1 In 2021 appeals were received and dealt with by Planning Officers as follows:

Appeals Received– 75

Appeals Allowed (ie Council decision overturned) – 15

Appeals Dismissed (ie Council decision supported)– 39

Appeals with Mixed Decision (an element of the scheme was allowed) – 1

Appeals Withdrawn – 11

Currently there are 27 outstanding appeal decisions yet to be received. Securing a positive result in 40 of the 55 cases determined last year is considered to represent a very good performance by planning and enforcement officers defending decisions taken under delegated powers on behalf of the Committee.

- 3.2 A full list of all these cases is attached at Appendix A. Further details can be provided for any of the cases upon request, and could help from the basis of future Training or Briefing Sessions in due course.

4 **Recommendations**

- 4.1 Committee Members are requested to note the report.

5 **Report Author**

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Appendix A: Appeals List

| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
|------------------------------|------------------------------------|-----------------------|--|--|
| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20192059 | Certificate of Lawful Proposed Use | Allowed 04/01/2021 | 29 Harrow Road Use as house in multiple occupation (Class C4) Insufficient evidence has been submitted to prove on the balance of probability that the property was in use as a house in multiple occupation by three to a maximum of six unrelated persons within Class C4 of the Use Classes Order 2015 on 20th August 2014 (when an Article 4 direction came to effect removing the permitted development rights for change of use from Class C3 dwelling to house in multiple occupation (Class C4)) and that the use has continued since then to the date of the application, particularly for the period 20th August 2014 to 5th February 2019. | The details of tenants provided by the appellant indicate that it was let to 5 individuals until 28 June 2014. Although the letting arrangements subsequently changed and the information is far less definitive for the following period, there was specific provision within the new lettings contract to enable the property to be sub-let, up to a maximum of 5 occupants in total. There is no firm evidence to show that the way the property was used changed at this point, so continued use as an HMO seems a likely outcome. |

Appendix A: Appeals List

| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
|---------------------------|------------------|-----------------|--|---|
| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20200664 | Householder | Dismissed | 28 Linton Street | |
| | | 08/01/2021 | <p>Construction of two storey extension at side of house (Class C3) (Amended plans 25.07.2020)</p> <p>The scale of the two storey extension to the side will appear overly dominant in relation to the existing property harming its original character and contrary to the design objectives of Core Strategy policies CS03 and CS18, the Residential Amenity SPD and the objectives of the design chapter of the National Planning Policy Framework.</p> <p>The scale of the two storey extension will appear out of proportion in relation to the host property and its immediate neighbour harming the visual appearance of and sense of balance of the pair of semi-detached properties harming the character of both and contrary to the design objectives of Core Strategy policies CS03 and CS18, the Residential Amenity SPD and the objectives of the design chapter of the National Planning Policy Framework.</p> <p>The scale of the two storey extension to the side will not be in keeping with the general design principles of symmetry and distinctive roofs characteristic of the three pairs of Wakerley properties harming the character and appearance of the area and contrary to City of Leicester</p> | <p>Although the roof ridge of the extension would be lower than that of the existing main roof, given the scale of the extension neither this nor the relatively shallow setback behind the front elevation would be sufficient to make it subservient in appearance to the host property. Its size and bulk would be emphasised by the extent to which the upper floor and roof would protrude from the existing catslide roof.</p> <p>The extension roof would be at a considerably shallower pitch than that of the main catslide roof, and this would further draw attention to the disparity between the extension and the host property.</p> <p>While the appeal property is not a Listed Building itself, nor is it within a Conservation Area, it is close to and forms part of the setting of the pair of houses at Nos 18/20 Linton Street which are a Grade II Listed Building. As such I have a statutory duty to have special regard to the desirability of preserving the setting of the Listed Building.</p> |

Appendix A: Appeals List

| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
|------------------------------|------------------|-----------------|----------------------------|--------------------|
| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |

Local Plan policy PS10, the design objectives of Core Strategy policies CS03 and CS18, the Residential Amenity SPD and the objectives of the design chapter of the National Planning Policy Framework.

Appendix A: Appeals List

| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
|---------------------------|-------------------|-------------------------|---|--|
| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20201174 | Minor Development | Dismissed 25/01/2021 | <p>89 Aylestone Road</p> <p>Construction of two storey extension at rear of shop with ancillary living accommodation (Class A1)</p> <p>The proposed extension due to its size and siting would cause a significant detrimental impact upon the residential amenity of neighbouring property 91 Aylestone Road in terms of loss of light and outlook from the rear first floor window and an overbearing impact and loss of outlook from the rear amenity space. (The proposal is therefore contrary to Saved City of Leicester Local Plan (2006) Policy PS10.)</p> <p>The proposal due to its lack of useable amenity space and lack of windows to the kitchen and poor level of light to and outlook from the rear first floor window would result in poor living conditions for the occupiers of the ancillary living accommodation. (The proposal is therefore contrary to Saved City of Leicester Local Plan (2006) Policy PS10.)</p> <p>The proposal is of poor design due to the lack of a lintel and sill for the proposed window, the decorative string course not being carried on through the proposed extension and the extension not being set</p> | <p>The proposed extension would lack any continuation of the residential features from the dwellings on Hazel Street design features. A new window is proposed but the plans do not identify a stone sill or lintel to match the existing. Even if the design features could be addressed through an appropriately worded planning condition, the extension would not integrate well with the existing building. It would appear as an incongruous adjunct, the impact of which would be exacerbated by the absence of any set back of the extension from the main side wall.</p> <p>The proposed new kitchen of the ground floor flat would have no windows. The absence of almost any natural daylight to the kitchen would create unsatisfactory living conditions for the occupants. The development would take place in the yard of No 89, significantly reducing the already limited space. What would remain would be a narrow corridor of space of limited usable value, even if the total floorspace area met the technical space requirements outlined in the Council's Residential Amenity Supplementary Planning</p> |

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| | | | back. (The proposal is therefore contrary to Leicester City Core Strategy CS03.) | Document. This would consequently be harmful to living conditions. With regards neighbouring occupants, the scale, height and overall massing of the scheme would impact negatively on living conditions. This is because of the proposed proximity of the development to the boundary which would have an overbearing impact and negatively affect outlook and light. |

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| 20201087 | Householder | Dismissed | 47 Romway Road | |
| | | 25/01/2021 | <p>Construction of first floor extension at rear of house (Class C3) (amended plans received 07/09/2020)</p> <p>The proposed development by means of its design, size and location, would appear at odds with the character and appearance of the street scene. The proposed development would result in the host property appearing cramped on site and it would fail to make a positive contribution to the surrounding area, contrary to paragraphs 127 and 130 of the NPPF, Core Strategy policies CS03 and CS08.</p> | <p>The appeal site is a detached 2 storey dwelling on the corner of Romway Road and Byway. Visible from both roads, it is in a prominent location. Located in an area dominated by similarly styled semi detached properties, the dwelling has already been extended to the side and rear and so is notably larger than surrounding dwellings.</p> <p>The proposal would lead to further extensions of the property, significantly increasing the overall size, scale and mass of the dwelling compared to the rest of the street scene. The presence of multiple roof forms in conjunction with the multiple additions to the original dwelling would create a busy and cluttered appearance contributing to the creation of an incongruous development at odds with the character of the wider area. The visual impact would be exacerbated by the corner location. I note that the proposal has been reduced in scale compared to the original application. However, it has not been reduced sufficiently to make it acceptable.</p> |

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| 20192228 | Minor Development | Dismissed 08/02/2021 | <p>46-48 UPPINGHAM ROAD</p> <p>Demolition of buildings to rear: Construction of two storey residential building to form 4 flats (4 x 1 bed) (Class 3); car parking at rear.</p> <p>The proposal by reason of the lack of adequate private amenity space and the poor levels of light, outlook and privacy is likely to result in unsatisfactory living conditions contrary to National Planning Policy (2019) paragraph 127. Core Strategy (2014) policies CS03 and CS06, saved policies H07 and PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).</p> <p>The proposed development by reason of its access raises concern over the operation of the proposed access and rear parking area due it not meeting minimum highway standards. Furthermore, inadequate parking provision raises concerns over additional parking taking place at the front of the property leading to operational issues on the highway and the footways being obstructed, particularly near a pedestrian crossing point, contrary to policy AM01; AM11 and PS10 of the City of Leicester Local Plan.</p> | <p>The driveway and parking area would cover virtually all the space between the rear of number 48 and the proposed building, thereby eroding the characteristic of deep rear gardens. I consider the proposal would constitute a form of back-land development of poor quality in terms of its layout. In addition to the layout, the size, scale, and design of the proposed building. Although the building would not be visible from most parts of Uppingham, Sulgrave and Overton Roads, it would be visible from the rear of many of the properties located on these roads.</p> <p>Virtually all the existing deep rear garden of No 48 would be altered to a hard-landscaped driveway and car parking area. Consequently, the outlook from the rear of No 48, which has habitable room windows in its rear elevation, would change from that of a deep garden with a single-storey, domestic outbuilding in it, to one dominated by an extensive hard-landscaped area comprising of driveway and a parking area for up to 6 No cars, and a two-storey building sited at the end of it. The vehicular traffic that would be generated by the</p> |

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The proposed design by reason of the height, the lack of sufficient design interest, the lack of appropriate landscaping and the retention/provision of hard surfacing would appear as overbearing and bland to the detriment of the character and appearance of the surrounding area. Opportunities to improve the character and quality of the host building and the surrounding area have not been incorporated into the development. The proposal is therefore contrary to National Planning Policy Framework (2019) paragraphs 124, 127 and 130, Core Strategy (2014) policies CS03 and CS06, saved policies PS10 and H06 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).

The proposal by reason of its siting, height and mass would result in a poor outlook to principal room windows, resulting in an overbearing and a feeling of enclosure for future residents. The proposal is thereby contrary to National Planning Policy Framework (2019) paragraphs 123 and 127. Core Strategy (2014) policies CS03 and CS06, saved policies H06 and PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).

proposal would pass between the gable ends of numbers 48 and 50, and the car parking area would be close to the rear of these properties. Due to the potential extent of traffic and the parking of vehicles, the occupiers of No 48 are likely to experience noise and disturbance from engines revving, car doors banging, headlamps shining and people talking and/or laughing. The plans also do not depict any boundary treatment between the garden to be retained to the rear of No 46 and the proposed pedestrian path or vehicle driveway. Consequently, existing occupiers of No 46 would also have no privacy whilst using their outdoor space. I have considered whether a condition requiring details of boundary treatment to be submitted, approved, and implemented would overcome any of the harms identified. It is possible that a boundary fence could be erected around the resultant rear gardens of Nos 46 and 48 to ensure their outdoor space was private. However, a fence along the resultant rear garden boundary of No 46 would create an issue relating to the living conditions of future occupiers of proposed flat 1, as it would be positioned very close to a habitable room

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window on the front elevation of the proposed flat. I consider that the harm identified regarding noise disturbance and outlook could not be overcome by conditions.

Flats 3 and 4 would have a very poor outlook at the front from the lounge and bedroom windows, which would primarily be onto the shared driveway and car parking area, where cars could be parked around 2-3 m from the windows. The outlook from the kitchen window at the rear of flat No 3 would also be poor, as it would be onto a 1.8 m high timber fence sited close to the window. Flats 1 and 2 would have an outlook at the front from the lounge and bedroom windows primarily onto the rear garden of No 46. As noted above, if boundary treatment was erected along the rear of the retained garden of No 46 then the outlook from the lounge window of flat 1 would be very poor, as it would be onto the boundary treatment, at a distance between 2-3 m from the window. If no boundary treatment was erected along the rear boundary of the resultant garden of No 46, then there would be a significant privacy issue in respect of flat 1, as occupiers of No 46 would be able to look

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into the lounge and bedroom of flat 1 when using their rear garden. Due to the comings and goings of up to 6 cars, future occupiers of the proposed flats, particularly Nos 3 and 4, would experience significant noise and disturbance from the vehicles, with engines revving, car doors banging and headlamps shining.

I consider the extent of the proposed on-site car parking would be sufficient for future users and visitors, and that the spaces retained at the front of the host properties would be sufficient for existing occupiers. However, I have concerns regarding the narrow width of the access and the narrow aisle width, which would make it difficult to negotiate access into the site and make it difficult to readily turn into and out of the proposed car parking spaces. Such circumstances may deter future occupiers from using the on-site facility; consequently, they may seek to park at the front of the property instead, which would result in obstructing footpaths used by pedestrians, some of which may have disabilities. Such obstruction could also interfere with the pedestrian road crossing. I

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therefore conclude that the proposal is likely to create an unacceptable highway safety issue.

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| 20200781 | Change of Use | Allowed | 33-39 Gwendolen Road | |
| | | 09/02/2021 | Change of use from storage (Class B8) to builders merchants with ancillary trade counter (Sui Generis) | |
| | | | The proposal, by reason of the increase in noise and general disturbance due to the activity generated by the use, would be detrimental to the residential amenity of occupiers of nearby residential properties on Gwendolen Road and Bradbourne Road contrary to saved policies PS10 and PS11 of the City of Leicester Local Plan and paragraphs 127(f) and 180 of the National Planning Policy Framework | <p>The 2019 approval made an assessment of the impact on the living conditions of nearby residents and found insufficient harm to warrant a refusal on such grounds. The noise assessment supplied by the appellant appraises the potential for noise generation by the addition of No 39 to the overall site area and finds that it would create no additional noise. I note that the Council's consultee on this matter has not raised an objection to this assessment.</p> <p>I have taken into consideration the noise report, and the supporting information from the appellant as well as the Council's justification for the refusal. However, without the support of the key consultee, I find it difficult to give much weight to the Council's arguments regarding the potential effect on living conditions to local residents. The nature of the business, has, in my opinion not changed. The appellant seeks to relocate the trade counter into No 39, and include No 39 in the overall business use, which the use itself, was deemed acceptable in 2019.</p> |

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| 20200521 | Telecoms | Dismissed | Soar Lane, Pavement at Soar Lane | |
| | | 09/02/2021 | <p>Installation of 20m high mono-pole with antennas; equipment cabinets</p> <p>The proposed mast by reason of its siting will dominate the surrounding area and project prominently into views east to west from the Soar Bridge to The Rally and west to east from The Rally to the Waterside Regeneration Area, having an unacceptable visual impact and compromising the objectives of the para 127 and 130 of the NPPF and Core Strategy policy CS03 of development responding positively to its surroundings and being appropriate to its setting and context, including creating a sense of legibility by incorporating key views.</p> <p>The proposed mast by reason of its siting close to the River Soar Bridge and stone piers to the Swannington to Leicester Railway Bridge will adversely affect the setting of heritage assets. The proposal will have an unacceptable visual impact and compromising the objectives of Chapters 12 and 16 of the NPPF and Core Strategy policies CS03 and CS18 of development responding positively to its surroundings and being appropriate to its setting and context, including</p> | <p>The proposals are close to Soar Bridge and three of the piers and the wider setting of this is framed by the Rally Park. From my site visit, it is apparent that the proposals would be prominent in east and west views, from the bridge to the Rally Park and through to the Waterside Regeneration Area. The Rally Park gives a green feel to the area and I find that the pole in the proposed location would harm the setting of the heritage assets and the Rally Park.</p> <p>I note from the drawings that the mast is relatively slender in design and antennas make up the top portion of the mast, but the overall impact of the mast would be increased by the equipment cabinets, which would give a cluttered appearance and would contribute further to the loss of the open character that is demonstrated in the surroundings.</p> <p>I acknowledge the potential economic and social benefits of the proposal, and the support demonstrated in the Framework in relation to high quality communications infrastructure as well as the general supporting documentation</p> |

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| | | | creating a sense of legibility by incorporating key views. | provided in support of the communications network by the appellant. However, I do not consider that these benefits in relation to this proposal would outweigh the significant harm that I have identified to the character and appearance of the area and the heritage assets. |

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| 20200304 | Telecoms | Dismissed | University Road, outside Percy Gee Building | |
| | | 09/02/2021 | <p>Installation of 20m high monopole with antennas; 2 cabinets</p> <p>The prominent siting and utilitarian appearance and height of the proposal would not be in keeping with the architectural quality of neighbouring buildings, the boulevard aesthetic of University Road and the heavily treed character of Welford Road Cemetery. It would harm the visual amenity of the area, resulting in a cluttered street scene and would harm the setting of the locally listed Percy Gee building, Chemistry building and the Grade II listed cemetery. As such it would conflict with the objectives of Core Strategy policies CS03 and CS18 and of Paragraph 113 of the NPPF.</p> | <p>The mast would be relatively slender in design, and the top portion of the overall height is made up of antennas. However, I find that the mast and associated cabinets would add further to the existing street clutter, and harm the character and appearance of the area by adding such an industrial style of development into the wider academic area, with buildings of good architectural quality.</p> <p>I have taken into account the economic and social benefits of the proposal, and the supporting documentation provided that demonstrate the merits of an effective communications network. Nonetheless, I do not find these benefits outweigh the harm that would be generated by the siting of the mast and associated works in such a location.</p> |

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| 20201038 | Prior Notification | Dismissed 11/02/2021 | 122 East Park Road Notification of change of use of part of ground floor shop (Class A5) to three self contained flats (3 x 1 bed) (Class C3) The 'Flood Risk Assessment Approach' submitted with the application refers to the first floor windows as the escape points for future occupiers in the event of a flood. Flats 1 and 2 have no access to the first floor other than over the rear yard. The first floor appears to be in use as a separate residential unit. The 'Flood Risk Assessment Approach' is unworkable and the application does not satisfactorily deal with the flood risk impacts of the proposal. As such the authority refuses the application under Schedule 2, Part 3, Para W(3). | The three proposed flats each consist of a single room with an en-suite shower and toilet separated from the rest of the room by a curtain. In size the floor areas of the units of accommodation would vary from 7.7 square metres (sqm) to 9 sqm. Given the very limited dimensions of the proposed flats, I am not persuaded that an alternative internal layout could be achieved that would accommodate the facilities necessary whilst also providing sufficient room to move. I therefore conclude that the three flats proposed are too small to provide the facilities required for day to day private existence and so would not constitute a dwellinghouse. Accordingly, they would not be permitted development under Class M. The FRA that has been submitted falls far short of what could reasonably be considered to be acceptable: it fails to identify the sources of flooding that the property is at risk from; and does not estimate the level of floodwater with |

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an allowance for climate change. As a result, it is not possible to determine if the flood resistance and resilience measures proposed, such as finished floor levels, would protect the proposed flats in the event of flooding. Most importantly though should flooding occur the information submitted fails to identify a safe route to higher ground out of the flood affected area.

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| 20200929 | Change of Use | Dismissed | Unit 9a Maidstone Road | |
| | | 19/02/2021 | <p>Change of use from industrial unit (Class B2) to cafe and hot food take away (Class A3/A5); Installation of ventilation flue and external roller shutter</p> <p>The proposed change of use from industrial (Class B2) to a cafe and hot food takeaway (Class A3/A5) is contrary to Core Strategy Policy CS10 and Saved City of Leicester Local Plan Policy E03.</p> <p>No sequential test was submitted with the application and there is insufficient information to evidence that the availability of preferable sites has been considered. As such the application is contrary to Paragraph 86 of the NPPF and Core Strategy Policy CS11.</p> <p>The external roller shutter and flue, by virtue of their design and siting are poorly designed. The external roller shutter and flue would be in prominent locations and insensitively designed which would result in detriment to the character and appearance of the area. The proposal is therefore contrary to Core Strategy Policy CS03 and Saved Local Plan Policy BE11.</p> <p>The proposed development, by virtue of the use and flue would result in unacceptable odour pollution to nearby residential properties at 145 - 159 Maidstone</p> | <p>Details of a sequential test have not been submitted. I note that the appellant claims to have tried to secure premises in other areas via the use of estate agents, online enquiries, and social media posts, though to date no suitable property vacancies have arisen. I acknowledge that the appellant may have sought to find suitable premises elsewhere. However, again I have not been provided with any evidence to substantiate this. Considering the above, I conclude that, having regard to local and national planning policies, the site is not a suitable location for the proposed use.</p> <p>The roller shutter does not form part of the application. As regards the proposed flue, I noted that there are 5 or 6 flues across the 6 general industrial blocks; I also observed that some of the units have ventilation equipment sited on their roof. Within the context of the site and given that the proposed flue would be small in size and sited away from the pavement, I consider that the proposed flue would have a neutral effect on the character and appearance of the area.</p> |

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| | | | Road and Gordon House on Jupiter Road. Therefore, the proposal would cause demonstrable harm to the residential amenity of the nearby properties and be contrary to Saved City of Leicester Local Plan Policy PS10. | The residential properties closest to the site, and those that I consider could potentially be affected by the proposal in terms of odour pollution, is a block of flats opposite the site, numbered 145-159 Maidstone Road. Although no details of the extraction system have been provided (in terms of its odour control mechanisms), given the small size of the unit, the small size of the extraction system, the distance it would be from the nearest residential properties and the fact that the B2 general industrial use of the unit could create odours, I am satisfied that the proposal would not harm the living conditions of existing occupiers with regard to odour pollution. |

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| 20201827 | Householder | Allowed | 195 Wigston Lane | |
| | | 22/02/2021 | <p>Construction of single storey extension at front and side and two storey extension at side and rear of house (Class C3) (amended plans 10/11/2020)</p> <p>The proposal, by reason of the height, mass and projection of the single storey extension beyond the principal elevation of the original house, the projection of the two storey extension to the side boundary of the application site, the lack of sufficient set back of the extension to the side of the house from the front wall of the original house, the large bland side wall of the two storey extension and the contextually unresponsive design, would appear overly dominant on and out of keeping with the original house, application site and surrounding area and would be harmful to the open & light character and appearance of the surrounding area. I therefore consider the proposal to be contrary to National Planning Policy Framework (2019) paragraphs 124, 127 and 130, Core Strategy (2014) policy CS03, saved policy PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).</p> | <p>I acknowledge that the extensions would differentiate the dwelling at No 195 from the neighbouring similarly designed semi-detached dwellings. However, I am satisfied that the development would be of an acceptable appearance and would assimilate into the street scene of mixed architectural design. Therefore, any failure to fully meet the guidance in the SPD, including the minimum 1.0m set back distance, would not be materially harmful in this particular instance.</p> |

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| 20200575 | Advertisement Consent | Allowed 26/02/2021 | 124 Humberstone Road Installation of one internally illuminated digital hoarding (Sui Generis) The proposed hoarding by reason of its size, illumination and siting alongside existing signs and alongside a major arterial route to and from the City Centre would exacerbate the existing visual clutter and would also be intrusive on the garage workshop and street scene having a significant detrimental impact on the visual amenity of this prominent site in conflict with Core Strategy policy CS03 and the objectives of Paragraph 132 of the NPPF. | Whilst the advertisement would appear more modern and may, due to the changing displays, draw the eye more than the existing sign; given the character and appearance of the area, it would not appear intrusive or out of place. The level of illumination could be regulated by condition and the speed with which the advertisement changes and the prevention of video or moving images could also be controlled by condition. Furthermore, given that it would replace an existing advertisement which has been in place for some time, the proposal would not exacerbate the existing visual clutter |

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| 20202140 | Householder | Dismissed | 40 Gedding Road | |
| | | 01/03/2021 | <p>Construction of single storey extension at side; first floor extension at side of house (Class C3); alterations</p> <p>The proposed first floor extension, by reason of its design, bulk and siting, would be an incongruous addition to the host property that would fail to appear as a modest and sympathetic addition to the property. The proposed extension would dominate and detract from the local character and uniformity of built form resulting in harm to the street scene. The side extension would unbalance the pair of semi-detached dwellings and overall the scheme would represent poor design. The proposal would therefore be contrary to paragraphs 127 and 130 of the National Planning Policy Framework 2019, Core Strategy policy CS03, saved Policy PS10 of the City of Leicester Local Plan and the Residential Amenity SPD.</p> | <p>The size and siting of the proposed side extension would add significant bulk to the side of the property. The proposed minimal setback would mean that it would be visually prominent within the street scene. The proposed side porch would further narrow the visual gap between No 40 and the neighbouring dwelling, irrespective of its setback from the front of the property. Overall the scheme would be an incongruous addition that would significantly unbalance the pair of semi detached houses. The harm there would be to the character and appearance of the area outweighs the reduced living space the appellant identifies would result from a scheme with greater setback from the main dwelling.</p> |

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| 20201929 | Householder | Dismissed | 47 Mere Road | |
| | | 19/03/2021 | Retrospective planning application for construction of outbuilding at side of house (Class C3) | |
| | | | The proposal, by reason of its size, height, design and location represents overdevelopment of the site and is out of keeping with the domestic scale of the area and results in an overbearing impact upon the neighbouring properties of 24 Wood Hill and 45 Mere Road, to the detriment of residential amenity contrary to paragraph 127 of the NPPF, City of Leicester Local Plan policy PS10, Core Strategy Policy CS03 and Residential Amenity SPD. | The single storey flat roofed design of the development and its prominent position, level with the principal elevations of terraced dwellings in the row, detracts from the consistency of scale and the traditional built form of the street frontage on Mere Road. The spacing of the door and window fenestration, small proportions of the window and the absence of stonework detailing contrasts considerably with the quality of architecture generally seen to elevations facing the street. As a result, the development appears disjointed and presents as a bland and unappealing feature which does not respond positively to the defining characteristics of the area. From my observations on site, the contrasting pink paintwork applied to the front elevation and the white uPVC fascia further emphasise the incongruity of the development relative to its surroundings. |

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| 20201837 | Change of Use | Allowed | 402 - 404 Narborough Road | |
| | | 15/04/2021 | Change of use from 4 self-contained flats (4x2 bed) (Class C3) to 6 flats (2 x 2 bed)(4 X 1 bed)(Class C3); Construction of two dormer extensions at front and dormer extension at rear; Construction of single and two storey extensions at rear; (Class C3); Alterations; (Amended plans received on 18/01/2021) | Appeal on Non-Determination of application within the time limit |
| | | | Appeal on Non-Determination | |

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| 20200214 | Minor Development | Dismissed 27/04/2021 | <p>13 Belgrave Boulevard</p> <p>Variation of condition 4 (opening hours) attached to planning permission 20050886 (to extend opening hours from 0730 to 2300 hours Monday to Saturday and 0730 to 2200 hours on Sundays to 0730 to 2300 hours Monday to Saturday and 0730 to 2200 hours on Sundays and deliveries to customers between the hours of 0730-0500 the following day on a daily basis) to hot food takeaway (Class A5)</p> <p>The proposal would be significantly detrimental to the amenity of adjoining and nearby residents by reason of noise and disturbance which could not be satisfactorily mitigated by reasonable or enforceable conditions. The proposal is therefore contrary to paragraphs 127 and 180 of the National Planning Policy Framework (2019), Core Strategy (2014) policies CS03 and CS11, saved policies PS10, PS11 and R05 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).</p> | <p>The proposed variation of hours would result in the take-away being in use for most of a 24-hour period. The delivery service would only be inactive between the hours of 05:30 and 07:00. The appellant's Noise Impact Assessment¹ (NIA) identified that existing background noise levels, in front of the site, were relatively consistent throughout the day and night. It also found that the rear area recorded a drop in levels during the night. It is accepted that plant installed to the rear of the building either already operates through the night or could be sufficiently mitigated with silencers to operate -5dB below background noise levels. The NIA found that the sound of car doors shutting and cars leaving would achieve noise levels of 67dB and 72dB respectively. This compares to a background noise level of between 63dB to 56dB at night. Adjustments were then made, taking account of the quantity of deliveries and location of loading, and found only minor noise impacts. However, I am unconvinced that these adjustments enable the NIA to take sufficient account of the impact of late-night disturbance. Furthermore, although drivers would operate alone it is conceivable that staff would</p> |

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have occasion to discuss issues in front of the store in the night. Such behaviour could not be readily mitigated through management controls. Therefore, despite the findings of the NIA, vehicle noise and staff voices would be likely to cause irregular significant noise impacts throughout the night.

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| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20200151 | Change of Use | Dismissed | 18-20 Shaftesbury Road | |
| | | 04/05/2021 | <p>Change of use of ground floor garages (Class B8) and two bedroom flat at first floor to three flats (1x2 bed & 3x1 bed) (Class C3); Construction of first storey extension at side; dormer extension at front and rear; alterations (amended plans received 05/06/2020)</p> <p>The proposed development would result in a significant detrimental impact on the amenity of the property to the rear at 33 Westcotes Drive through loss of outlook, and have an overbearing impact due to insufficient separation distance, hence would be contrary to policy PS10 of the City of Leicester Local Plan and guidance in the 'Residential Amenity' Supplementary Planning Document (2008).</p> <p>Insufficient information has been submitted demonstrating an acceptable sound insulation scheme that could be incorporated to minimise noise and general disturbance from adjoining properties 16 and 34 Shaftesbury Road to create a satisfactory living environment, therefore the proposal is contrary to saved policies H07, PS10 and PS11 of the City of Leicester Local Plan (2006) and the guidance in Supplementary Planning Document 'Residential Amenity' (2008) and</p> | <p>I find that the separation distance from the proposals to 33 Westcotes Drive at the rear is somewhat lacking. There is some dispute with regard to the distance and nature of the relationship between the properties, but I am satisfied that the distance will be less than set out in the Residential Amenity Supplementary Planning Guidance (2008) (the SPD) and the separation distance would result in the appeal proposals impacting on the living conditions of the residents of 33 Westcotes Drive by the loss of outlook from the habitable windows of that property and the overbearing nature of the proposed dwelling in close proximity to 33 Westcotes Drive. I also find that the design solution to the rear of the appeal property is contrived and unsightly in seeking to overcome these issues.</p> <p>In relation to the issue of sound insulation, I have noted the details of sound insulation proposals, but I also note that the sound report supplied by the appellant was over two years old at the time, and as such I cannot be convinced that any insulation</p> |

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paragraph 127(f) of National Planning Policy Framework (2019).

proposals would correctly address any potential issues in regard to sound insulation for the proposed flats. The appeal property is in close proximity to industrial uses so matters such as effective sound insulation are important to protect the living conditions of proposed residents. It is not an effective approach to deal with such matters by planning condition in this instance.

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| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20211418 | Householder | Dismissed | 161 Harrington Street | |
| | | 06/05/2021 | <p>Demolition of garage, construction of single storey extension at front and side, two storey extension at side of house (Class C3)</p> <p>The proposed two storey side extension would by reason of its size and design dominate and detract from the local character and the general uniformity of the local built form resulting in harm to the street scene. Overall, the scheme would represent poor design. The proposal would therefore be contrary to paragraphs 127 and 130 of the National Planning Policy Framework 2019, Core Strategy policy CS03, saved Policy PS10 of the City of Leicester Local Plan and the Residential Amenity SPD.</p> <p>The proposed extension, by reason of its size and footprint, would leave an insufficient amount of and a poor quality of rear garden space to the detriment of the living conditions of existing and future residents of 161 Harrington Street contrary to Core Strategy (2014) policy CS03, saved policy PS10 City of Leicester Local Plan policy (2006), the Residential Amenity Supplementary Planning Document (2008) and paragraph 127 of the National Planning Policy Framework (2019).</p> | <p>The proposal would reduce the size of the garden further and add two large rooms illustrated as bedrooms on the plans. Although the SPD does not advise the size of garden required for a 4 bedroom house, it is evident that the remaining garden, which would be substantially smaller than that required for a 2 bedroom house, would not be sufficient for the resultant 4 bedroom house. The fact that the garden is severely overshadowed by the tall trees along the south boundary also adds to my view that the outdoor amenity space would not be acceptable. As such, the development would fail to provide satisfactory living conditions for the occupiers of the property.</p> <p>The two-storey extension would narrow the gap to No. 159. Nonetheless, a notable gap would be retained, albeit largely on the neighbour's side of the boundary, and hence the general character of the street scene would not be harmfully affected. Also, although the extension would have a substantial width, it would not be as wide as the host dwelling and the Council advise that in this regard the</p> |

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development would meet the guidance in the SPD.

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| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20200244 | Householder | Dismissed | 246 St Saviours Road | |
| | | 07/05/2021 | Construction of single storey extension at rear of house (Class C3) | The extension, according to the plans, would be a little over 4m wide and would be about 1.4m wider than the existing outrigger. This would leave little space between the extension and the boundary with No. 248. It would measure nearly 2.5m to its eaves, over 4m to its ridge and would extend up to the rear boundary. There are a number of ground floor windows on the side of No. 248's outrigger that would face the extension, as well as a window on the rear elevation of the main part of the house. From them, particularly the rear facing window, the proposed extension would appear prominent and imposing above the boundary fence and wall. The outlook from these windows is already restricted by the existing built form of No. 246 as well as the two-storey flank wall of the neighbouring property to the rear. The proposal would impinge on this outlook further such that the living conditions of the occupiers of No. 248 would be unacceptably harmed. |
| | | | Appeal on Non-Determination | |

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| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20202304 | Advertisement Consent | Allowed 13/05/2021 | 289 Blackbird Road, Opposite Installation of two internally illuminated digital advertisement displays and the removal of five existing illuminated advertisement displays (No Use Class) (Amended 19/01/2021) The proposed two digital hoarding signs by reason of their location and prominent position would be incongruous features that would have an overbearing negative impact the visual amenity of the local area, contrary to policy CS03 of the Leicester Core Strategy (2014) and Paragraph 132 of the National Planning Policy Framework. | I accept that the proposed advertisements would be closer to the footway than the existing display by virtue of being set closer to the retaining wall by the pavement. However, given that there would be an overall reduction in the number of signs, I do not find that the proposed advertisements would have greater prominence in the street scene. Views of the nearest sign from the closest dwellings to the west would be at oblique angles across the face of the sign. Consequently, given the separation between them and the site and the relationship between the two, from those perspectives the proposal would not be intrusive. Residential properties further south along Blackbird Road would have more direct views of the proposed signs. However those properties are further away, and such views would be across the well-lit junction and filtered to some extent by trees located in the footway and central reservation. I therefore find that the amenities of nearby residents would not be unduly affected. |

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| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20200601 | Householder | Dismissed | 11 Morland Avenue | |
| | | 28/05/2021 | <p>Construction of single storey extension at rear of house (Class C3)</p> <p>The proposed single storey extension on both sides of the rear outrigger, by reason of its excessive depth of 5.15m and location along the boundaries with houses 9 and 13 Morland Avenue, with habitable room windows near to the extension would result in a detrimental impact on the residential amenity of the occupiers of 9 and 13 Morland Avenue by reason of loss of light, outlook and overbearing impact. The proposal is therefore contrary to the saved policy PS10 of the City of Leicester Local Plan, the guidance contained within the 'Residential Amenity' Supplementary Planning Document (Appendix G) and paragraph 127 (f) of the National Planning Policy Framework (2019) which requires development to afford a high standard of amenity for existing and future occupiers.</p> | <p>There is no dispute that the scheme would be contrary to the 45 degree rule set out in the Council's Residential Amenity Supplementary Planning Document 2008 (SPD) in respect of No 9's rear facing window. The 2 storey high rear projections already affect the outlook from, and light to, No 9. However, the side wall of the extension is very close to the neighbour's ground floor windows and so it significantly curtails views and leads to a marked sense of enclosure. Also, there is no technical evidence to support the contention that the scheme would avoid a loss of direct sunlight to No 9's windows. Having regard to its position in relation to No 9, it is reasonable to expect the extension would, at times, obstruct direct morning sunlight reaching the nearest ground floor windows. Moreover, by reason of its proximity and height, the side wall causes a darkening effect to No 9.</p> <p>Reference is made to an approval granted under the terms of permitted development rights (PDRs) that allows a single storey extension to No 9. However, this has not been built and there is no evidence to suggest it will</p> |

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be constructed. As such, this factor attracts limited weight in my assessment.

If the appeal is dismissed, there is a more than theoretical possibility that an extension would be erected under PDRs. However, the information before me indicates that any such addition would be shorter than the appeal scheme and so it would be less harmful in terms of loss of outlook and obstruction of light to No 9's fenestration. Also, a 2 m high boundary wall as allowed under PDRs would be lower than the side wall of the extension and so would have less of an impact on No 9. As they would be less harmful than the appeal development, the fallback positions do not fully address or overcome the identified detrimental effects.

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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20202369 | Advertisement Consent | Allowed 02/06/2021 | 2A New Star Road Installation of one freestanding static internally illuminated advertising display unit (No use class) The proposed hoarding by reason of its size, illumination and siting alongside existing signs and alongside an arterial route would be visually cluttered and intrusive on the warehouse and street scene and so would have a significant detrimental impact on the visual amenity of this site in conflict with Core Strategy policy CS03. | The close proximity of the advertisement to the roundabout on the A563 means it would be prominent to passers-by. Even so, the advertisement would not appear visually dominant within the context of the large buildings and main highway which characterise the immediate surroundings. Furthermore, the existing signage at No 2A is smaller in size and is of a relatively understated appearance. The advertisement would be offset and sited forward of the existing signage and would primarily be seen against the backdrop of the large building which occupies the site. Consequently, the existing and proposed advertisements would not combine to appear overly cluttered. Overall, these factors would ensure that the advertisement would not have an adverse effect on the visual amenity of the area. |

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| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20200722 | Prior Notification | Allowed 04/06/2021 | 17-19 Kingsley Street Notification for change of use of first, second and third floors from shop and dwellinghouse (Class A1/C3) to four studios and one self-contained flat (5 x 1 bed) (Class C3) The proposal is contrary to paragraph W(3) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) by reason of the inaccurate existing window arrangement to the first floor plan and the same window arrangement shown on the proposed first floor plan, as well as evidence to suggest that the existing lawful use of the site does not comply with paragraph M(a) of Class M of Part 3 of Schedule 2 of the GPDO. | Whilst the date on the application form is 6 May 2020, the decision notice records an application date of 8 April 2020. The end of the 56 day statutory period for determination of the application following these dates was 1 July and 3 June respectively. The Council's decision date was 3 July 2020. No written agreement to an extension of the statutory period was obtained from the appellant. As a result, the Council's decision occurred later than the end of either statutory period identified above. |

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| Planning No or Enforce No | Application Type | Decision | Address | Inspector Comments |
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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20202158 | Householder | Dismissed | 66 Romway Road | |
| 20210294C | | 10/06/2021 | <p>Construction of two storey extension at side and rear of house (Class C3)</p> <p>The double extension and protrusion beyond the Romway Avenue building line would create an overall massing too prominent for the site. The lack of any subservience, removal of characterful features, and construction of alterations create the appearance of a new dwelling rather than a house with extensions. It therefore negatively impacts the house itself and the street scene. The proposal would therefore be contrary to paragraphs 127 and 130 of the NPPF (2019), Core Strategy policy CS03 (2014) and the Residential Amenity SPD (2008).</p> <p>The development would significantly impact outlook, and sunlight to a principle room of the neighbouring dwelling 64 Romway Road. The proposal would therefore be contrary to paragraphs 127 of the NPPF (2019), saved Local Plan policy PS10 and the Residential Amenity SPD (2008).</p> | <p>When seen in the context of nearby properties, the scale, size and massing of the extension proposed would appear incongruous and overwhelming and would be extremely visible in the street scene for Romway Road and Romway Avenue, and longer views in the residential area, due to its strident nature. I find that the design, scale and massing of the appeal proposal would dominate the host dwelling and harm the character and appearance of the area, and would not respect the traditional design ethos of the two-storey dwellings that are prominent in this section of Romsey Road and Romsey Avenue.</p> <p>I acknowledge that the appeal proposal, if constructed, would be a more prominent feature than the current relationship between Nos 64 and 66, but the orientation of the rear windows draws the outlook from No 64 to the rear garden and beyond. Therefore, whilst the proposal would result in some additional sense of enclosure to one side, the wider outlook from the rear of No 64 would not be</p> |

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| | | | | significantly compromised as a result of the development. |

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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20212412 | Enforcement | Dismissed | 88 Tudor Road | |
| 20194447C | | 11/06/2021 | Retrospective Change of Use from House in Multiple Occupation to student flats (8x Studio) (Class C3) Appeal B - Appeal on Non-Determination – Dispute in Validation | <p>The key area of contention regarding the validity of the application relates to the description of the development, the associated information within the application form and the appropriate fee associated with the application. I acknowledge that the description of the development should not be altered by the Council without discussing the amendments with the applicant. Nevertheless, the Council must ensure that the description of the development accurately reflects what is shown within the supporting information to that application. This enables the correct fee to be applied, the Council to fully understand the proposal which they are being asked to appraise/decide upon and makes it easier for members of the public to also understand/appreciate the proposal.</p> <p>The plans submitted with the application of the proposed development indicate that the building would be divided into 8 studios or units of living accommodation with an outdoor courtyard. It is evident that the Council considered that these units of accommodation were to be treated as separate dwelling</p> |

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houses. Whereas, the appellant considers that they should not.

Given my findings within Appeal A, I consider that, as a matter of fact and degree, the Council was correct in its assessment of the type of development that was proposed as part of the planning application. **As such, with the inaccurate information within the application form a full appraisal of key relevant planning matters such as living conditions of future occupiers of the property, character and appearance of the area and waste management would not be possible.** Furthermore, the type of development proposed has direct implications on the appropriate fee required. The Council were correct to determine that the appropriate fee fell within Category 11 *'The change of use of a building to use as one or more separate dwellinghouses'* of The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). As such, the appropriate fee for the development proposed was not paid.

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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20212412 | Enforcement | Dismissed | 88 Tudor Road | <p>In the absence of firm evidence to suggest otherwise, the lawful use of the property is, on the balance of probability, likely to be as a warehouse with a residential flat above. Therefore the first floor of the building was, more likely than not, in use as a self-contained flat with all the facilities required for day-today private domestic existence. It is reasonable to consider, based on the evidence before me, that the use of the first floor would have been as a single dwellinghouse that was physically and functionally separate to the warehouse below. Consequently, the warehouse and residential uses of the property would have formed 2 separate planning units.</p> <p>Even if I am wrong and the lawful use of the building is as a large HMO, the use of the building as self-contained flats has resulted in the formation of 8 separate residential planning units. Whereas, the use as a large HMO is one planning unit in a Sui Generis use. The use as 8 self-contained flats has planning consequences in relation to the nature of the occupation of those planning units. Even though, each flat may be occupied by students, the living conditions</p> |
| 20194447C | | 11/06/2021 | Unauthorised change of use from large hmo to 8 flats Appeal A – Based on the Enforcement Notice - The requirements of the notice are: 5.1 Cease the use of the property as 8 self-contained flats 5.2 Remove all fixtures and fittings 5.3 Remove all resultant material arising from step 2 from the site OR 5.4 Alter the property to reflect the layout and elevations shown on planning permission 20172377 5.5 Remove all resultant material arising from alterations Period of compliance is 6 months | |

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of the residents are materially different to that of the residents occupying the building as a large HMO. This is because the restrictive size of some of the flats and the lack of outlook and single aspect of some has, as a matter of fact and degree, a significantly different impact on the living conditions of the occupants. Furthermore, the flats could be occupied by more than one person introducing a significant change in occupancy and/or the pattern of use of the building.

| | | | | |
|----------|--|-----------------------|---|--|
| 20201708 | Certificate of Lawful Proposed Development | Allowed 14/06/2021 | 35 Lindsay Road Certificate of lawful existing development for construction of hip to gable roof at side; box dormer at rear of property (Class C3) The proposal is NOT permitted development because it fails to meet the provisions of Part 1, Class B (Development within the curtilage of a dwellinghouse) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 as amended. | The existing roof of the single storey rear extension which is not connected to the roof space of the original building cannot be considered to be a previous enlargement to the original roof space of 35 Lindsay Road. |
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| | | Appeal Type | Description of Development | |
| | | Date Determined | Reason(s) for Refusal | |
| 20201479 | Minor Development | Allowed 18/06/2021 | <p>15A Holmwood Drive, Holmwood View</p> <p>Construction of single storey detached building at rear of care home (Class C2)</p> <p>The proposed development due to its size and location especially addressing the site as a whole, would not adequately mitigate for the loss of trees on the site as a whole and it will have cumulative detrimental impact resulting in further losses of biodiversity and green infrastructure functions, particularly as the previously agreed measures to compensate for the loss of trees to facilitate the development has not been carried out. It is therefore contrary to policies UD06 of the Local Plan and CS17 of the Core Strategy and the paragraph 174 of NPPF.</p> | <p>The evidence before me indicates that the proposed garden office would be located on a part of the site which previously consisted of species-poor rough grassland and that there were no trees located within the footprint of the proposed building. the Council clearly sought to secure appropriate landscaping on the site to mitigate the loss of trees resulting from the existing planning permission. At the time of my visit, the previously agreed planting next to the rear boundary of the site had not been undertaken. The proposal would encroach into part of the previously agreed landscaping towards this boundary.</p> <p>There is no substantive evidence before me, to suggest that the alterations to the planting scheme would have a tangible effect on the growth of the planting or the overall levels of biodiversity secured.</p> |

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| 20210005 | Householder | Allowed | 26 Judith Drive | |
| | | 08/07/2021 | <p>Hip to gable extension at side; dormer extension at front and rear; single storey extension at rear of house (Class 3)</p> <p>The proposed dormer would have a detrimental impact on the character and appearance of the host dwelling and the surrounding area by reason of poor design as well as its awkward siting and scale. The proposal is therefore contrary to National Planning Policy Framework (2019) paragraphs 127 and 130, Core Strategy policy CS03 and saved policy PS10 of the City of Leicester Local Plan (2006).</p> | <p>Given this visual context of extensions, alterations and other dormers, a front dormer in this location does not appear unusual, and for that reason I do not consider that a front dormer extension of suitable design would be intrusive or out of character for the area. The proposal would disrupt the symmetry of the semi-detached pair, but as the roof designs are slightly different and the roofing materials are different, in this context I do not consider that the disruption to the symmetry of the pair of dwellings is harmful. It would not interrupt the roofline or detract from the design of the host dwelling. I am satisfied that the front dormer would obey the rules of acceptable scale and design and would sit comfortably within the slope of the roof.</p> |

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| | | Appeal Type | Description of Development | |
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| 20201928 | Change of Use | Dismissed | 4 Treetops Close | |
| | | 08/07/2021 | <p>Change of use from garage (Class C3) to single storey detached dwelling; alteration and increase in ridge height of roof; extension to front and side of garage (Class C3)</p> <p>The proposed dwelling would be of a poor design which would have an adverse impact on the character of the area and street scene. The proposal would result in a form of development which would sit awkwardly and incongruously within the street scene contrary to the objectives of Core Strategy Policy CS03 and saved policy PS10 of the City of Leicester Local Plan and the objectives of paragraph 127 of the NPPF.</p> <p>The proposal by reason of its siting and lack of amenity space is likely to have a detrimental impact on future occupiers of the accommodation resulting in a sense of enclosure contrary to CS03 of the Core Strategy (2014) and would conflict with saved policy PS10 of the Local Plan (2006) and the objectives of paragraph 127 of the NPPF.</p> | <p>Whilst there is some variety in the detailed design of properties, the sub-division of the existing plot would result in an uncharacteristically small plot for both the existing dwelling and the proposed development, which would not adhere to the prevailing spatial character of the area and would look out of place. The overall appearance of the proposal would result in an overdevelopment of the appeal site which would appear particularly incongruous in the wider street scene when considered in the context of existing development within Treetops Close, even with a level of mitigation from landscaping.</p> <p>Whilst there is agreement between the parties about that land that is available, I find that the amenity space to the side of the annexe cannot be considered as private amenity space, and the extensions and site layout would also mean the loss of parking for the main dwelling, although this has been indicated to be available at the front of the existing dwelling. There is also the issue of storage of wheelie bins which would need to be accommodated.</p> |

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| | | Date Determined | Reason(s) for Refusal | |
| 20201046 | Advertisement Consent | Dismissed 16/07/2021 | 123B Granby Street Retrospective application for installation of one internally illuminated fascia sign at front of shop (Class A1) The proposed sign by reason of its internal illumination, size and poor design would have a detrimental impact on the visual amenity of the Granby Street Conservation Area, contrary to policies CS03 and CS18 of the Leicester Core Strategy and paragraph 132 of the National Planning Policy Framework. | There are many examples of fascia signage similar in size and positioning to that which is subject to the appeal on other premises on Granby Street. However, based on the evidence before me and my own observations during my site visit, they appear to be for the most part either non-illuminated or illuminated by an external source such as a trough light. Accordingly, their visual impact when illuminated will be more subtle and sympathetic than that resulting from the appeal proposal. Although the appeal sign is not overly bulky in its size or profile, due to its internal illumination and prominent positioning, the sign will be a dominant, uncharacteristic and unsympathetic feature within the surrounding area and the CA when illuminated. This impact will cause harm to the amenity of the area and as a result fail to preserve or enhance the character and appearance of the CA. |

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| 20202402 | Householder | Dismissed | 9 Kingswood Avenue | |
| | | 19/07/2021 | <p>Construction of two storey side extension; single storey rear extension to house; side and rear extension to garage (Class C3)</p> <p>The proposed development by virtue of its size, siting and design would harmfully disrupt the building line of Ainsdale Road. The visual harm is further heightened by the position of this proposal on the corner of Kingswood Avenue and Ainsdale Road which could set a poor future precedent for further development on the street forward of the building line. Therefore, the proposal is contrary to Policy CS03 of the Core strategy (2014); saved Policy PS10 of the Local Plan (2006); and the Residential Amenity SPD (2008)</p> | <p>The proposal would occupy a significant proportion of the side of the plot to a two storey height, leaving only a modest gap between the new gable wall and side boundary. The roof has been stepped down from the ridge and the cross hipped rear roof is notably lower than much of the main roof. However, the significant height, width and depth of the side extension would significantly and harmfully disrupt the existing building line along Ainsdale Road, appearing as an significantly incongruent and jarring addition to the street scene. The garage extension would be significantly smaller. However, being adjacent to No 105 and viewed closely in the context of dwellings to the west, it would abruptly project forward of No 105 thereby not relating well to it and the wider building line. Therefore, it would add to the harm.</p> |

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| 20202120 | Minor Development | Dismissed 19/07/2021 | 66 Scraftoft Lane, land to rear Demolition of garage; construction of one dwelling (1 x 2 bed) (Class C3). The proposed dwelling, by virtue of its design, siting and bulk, would appear at odds with the character and appearance of the area and would appear overly dominating from the street scene. The proposed dwelling would appear cramped on site and would fail to make a positive contribution to the surrounding area, contrary to the objectives of Chapter 12 the NPPF and Core Strategy policy CS03. The proposed dwelling, by virtue of its design, siting and bulk, would harm the amenity of the occupiers of 2 Stanley Drive in respect of outlook from principal room windows and visual overbearing. The proposal would result in poor residential amenity contrary to paragraph 127 of the NPPF saved Policy PS10 of the City of Leicester Local Plan and the Residential Amenity SPD. | The proposal would be a detached dwelling which would have a front gable that would project forward of the existing dwellings. Its visual impact would also be accentuated by the absence of any meaningful spacing between the existing adjacent dwelling at 2 Stanley Drive, its different roof form and its noticeably lower ridge and eaves heights. As a result of these factors, it would jar with the existing arrangement and appearance of dwellings on the road, creating a visually cramped, incongruous and dominant feature that would be out of keeping with the street scene. This would cause significant harm to the character and appearance of the area. The adjacent property at 2 Stanley Drive has a window at first floor level closest to the site of the proposed development. At ground floor level there is a garage nearest to the common boundary. Whilst the gable of the proposal would project forward of the front elevation of No 2 on which the window in question is located, it would not do so by such an extent so to cause harm to the living conditions of the |

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| | | | | occupiers of this dwelling through a loss of outlook or light. |

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| 20211366 | Enforcement | Dismissed | 42 Cavendish Road | |
| 20174204C | | 24/08/2021 | Unauthorised change of use from house to six self-contained flats | The appellant has failed to show, on the balance of probability, that the material change of use from a dwellinghouse to 7 self-contained flats occurred on or before the material date or that the use as 7 self-contained flats has been continuous, without significant interruption, for a period of 4 years or more. The matters alleged are not therefore immune from enforcement action having regard to s171B(2) of the 1990 Act. |
| | | Subject to the correction and variation, the appeal is dismissed, and the enforcement notice is upheld. | <p>The requirements of the notice are:</p> <ol style="list-style-type: none"> 1. Demolish the two storey and single storey extensions to the rear of the property 2. Demolish the former extensions to the front and rear of the property 3. Cease the use of the property as 7 self-contained flats (numbered 40 Cavendish Road, 42 Cavendish Road flats 1, 2, 3, 4, 5 and 6 4. Rmeoval all fixtures and fittings relating to the use as 7 self contained flats stated in clause 5.3 above 5. Remove all resultant materials from the site | The steps required do not exceed what is necessary to remedy the breach of planning control. However, for greater precision, I will vary the steps required to comply with the notice. The appeal on ground (f) succeeds to this limited extent. |
| | | | The period of compliance with the requirements is 6 months | Council advised that they normally specify a compliance period of 3 months but, having considered the effects of the pandemic, a compliance period of 6 months was given. We also heard from Mr Kamboz that Rainbow Construction Ltd are retained by the appellant to undertake building work on their behalf. While there may be a shortage in building |

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materials nationally, I consider 6 months to be adequate to secure any necessary materials and complete the necessary works following the vacation of the 7 self-contained flats.

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| 20210018 | Change of Use | Dismissed | 37 Loughborough Road | |
| | | 02/09/2021 | <p>Change of use of part of house and construction of single storey extension at rear to form one flat (1X 1bed)(Class C3)</p> <p>The proposed rear extension due to the level of obscure glazing proposed would create a significantly insufficient level of outlook and would result in unsatisfactory living environment for the occupiers of the proposed flat. Therefore, the proposal is contrary to policy CS03 of the Core Strategy (2014) and saved policies PS10 and H07 of City of Leicester Local Plan (2006) and paragraph 127 (f) of the National Planning Policy Framework (2019) which requires development to afford a high standard of amenity for existing and future occupiers.</p> <p>The proposed new flat would by reason of its location have a significant detrimental impact on the enjoyment of amenity space available to the occupiers of 37 Loughborough Road (which has a lawful use as a dwellinghouse) due to the reduction of quality to the amenity space in terms of being less private due to overlooking from the proposed flat and access over the space, contrary to National Planning Policy Framework (2019) paragraph 127(f) which requires development to afford a high standard of amenity for existing and</p> | <p>Under the application proposals, the new flat would be accessed via and opens out directly onto the amenity space of the host dwelling. As a consequence of this, its non-enclosure, and overlooking from the new flat, the outdoor space of the host dwelling would not have any degree of privacy. This would be likely to discourage its use for many activities. The non-obscure glazed openings on the plans could be the subject of a suitable planning condition to require obscuring to prevent overlooking. However, this would not address all the matters of concern, and would further add to the harm to outlook of the new dwelling.</p> <p>Integrating a different grade of obscure glazing would not address both the loss of outlook and the privacy of the outdoor space together. The suggested new fence would provide a similar level of privacy for the rear amenity space of No 37 as under the current lawful arrangements. The amount of space for No 37 would also be broadly in keeping with the SPD space requirements. However, the proposed 1.8m fence positioned at only between 2.7m</p> |

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| | | | future occupiers, Core Strategy (2014) policy CS03, saved policies PS10 and H07 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008). | and 3.6m from all the windows of the new dwelling, would be highly dominant and oppressive and highly constrain outlook from the new dwelling. For this reason, the development would result in significantly harmful living conditions to the future occupiers of the new dwelling in respect of outlook, and the absence of harm from privacy to the occupiers of the host dwelling would not overcome this. |

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| 20202519 | Householder | Dismissed | 32 Wigley Road | |
| | | 06/09/2021 | <p>Construction of part two and part single storey extension to rear of dwelling (Class C3)</p> <p>The proposed rear extension due to its height, length, and siting would have a detrimental impact on the outlook from 34 Wigley Road resulting in a sense of enclosure from the principal windows to the side of the property and an unacceptable impact on the levels of light to and outlook from the principal window at the side of the property. The proposal is therefore contrary to CS03 of the Core Strategy (2014) and would conflict with saved policy PS10 of the Local Plan (2006).</p> | <p>The adjacent neighbour at No 34 has a ground-floor window in the side elevation that directly faces the appeal dwelling. This window is the sole window that serves the kitchen at No 34 and is therefore the principal window serving the room regardless of its size. Kitchens are generally regarded as a key part of the habitable accommodation in a dwelling and it is a space where residents may expect to spend a significant amount of time. Consequently, it is important to retain a reasonable outlook and level of daylight in the interests of the living conditions of any occupants.</p> <p>The kitchen currently has a limited outlook and supply of natural light as a result of the presence of the appeal dwelling. Notwithstanding this, oblique views remain available past the dwelling to the space beyond, thereby retaining some sense of outlook and allowing natural light into the passageway between the dwellings. Owing to its scale and proximity to No 34, and the degree to which it would extend beyond the rear elevation, the proposed extension would</p> |

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be an imposing structure that would cause a significant sense of enclosure as well as reducing the already limited outlook from the kitchen window by an unacceptable degree. Moreover, the level of natural light received by the kitchen window would be diminished, adding to the harm caused by the sense of enclosure and loss of outlook. The proposal would consequently cause harm to the living conditions to the occupants of the neighbour at No.34.

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| 20210274 | Advertisement Consent | Dismissed 09/09/2021 | <p>12 Constitution Hill, Ibis Hotel</p> <p>Installation of one internally illuminated advertising display unit to the front elevation of hotel (Class C1)</p> <p>The proposed hoarding by reason of its large size, design and location along a major arterial route to and from the City Centre would be intrusive on the street scene whilst its digital nature also exacerbates its prominence, having a significant detrimental impact on the visual amenity of the area in conflict with Core Strategy policy CS03 and the objectives of Paragraph 132 of the NPPF.</p> | <p>The existing advertisements in the area are modest in size, with no 48-sheet advertisements present. Furthermore, while some of the existing signage is illuminated, there are no existing digital screens. Even with the illumination levels restricted during the hours of darkness, the proposed digital screen would introduce a large, permanent illumination that would draw the eye and would appear conspicuous in the context of the surrounding area where advertising displays are generally more discreet. The illumination would only serve to highlight the unsympathetic scale and height of the advert, which would be exacerbated by its prominent location in full view of traffic passing along the ring road and adjacent public thoroughfares. I recognise that the streetscape is varied and includes large, modern, functional commercial buildings, tall street-lights, and is a major transport corridor. Nonetheless, the presence of such a large and prominent digitally illuminated display would not be sympathetic in the existing context.</p> |

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| 20202523 | Minor Development | Mixed Decision 10/09/2021 | 10 Kings Newton Street Construction of dormer extension to the front of property (Class C3); installation of roof lights at front; alterations to shopfront (Class E) | The proposed dormer extension would fill a significant proportion of the Kings Newton Street roof slope of the host building, thereby disrupting the contribution it makes to the roovescape of the surrounding area. Moreover, the overall form and scale of the proposal would appear unduly dominant and inharmonious in relation to the proportions of the property, particularly its roof. The proposed rooflights would be modest in size and positioned in an appropriate manner within the roof slope. Given that the proposed shutters would replace existing shutters that have a varied appearance, they would not significantly alter the appearance of the host building or how it is experienced within the surrounding area. The new door would also have a negligible visual impact. |

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| 20202356 | Householder | Dismissed | 54 Ratcliffe Road, The Knowle | |
| | | 21/09/2021 | Demolition of single storey outbuildings at side and rear; construction of single and two storey extension at side, single storey extension at rear; alterations to house (Class C3) (amended plans received 4/3/2021) | Unlike the existing property, the addition would project a significant distance beyond the rear of No 56, so that it would clearly breach a line taken at 45o from the centre of the bay window. Therefore, the development would fail to comply with the guidelines on house extensions as set out in the Council's Residential Amenity Supplementary Planning Document 2008. Given its length, height and proximity to the boundary, the proposal would be conspicuous and unduly dominant when seen from the adjoining back garden. Views from No 56's rear windows would remain unobstructed but due to its overbearing effect, the extension would diminish and impinge on the outlook, particularly from the nearby bay. |
| | | | The proposed development, by virtue of its design and siting would result in significant levels of overshadowing of the rear garden of 56 Ratcliffe Road, and would result in a loss of outlook and light of nearest habitable room window at the rear of 56 Ratcliffe Road. The proposal therefore conflicts with National Planning Policy Framework (2019) paragraph 127, Policy CS03 of the Core Strategy (2014), saved policy PS10 of the City of Leicester Local Plan (2006) and SPD Residential Amenity (2008). | Despite the partial screening effect of the trees and boundary fence, the back of the listed building is seen from the appeal property. The proposed extension would conceal elements of No 56 in views from The Knowle and so it would harm its significance. Moreover, by virtue of its length and subsequent dominating effect, the rear addition would detract from the listed building in views from No 56's garden. These effects would only be noticeable from private land but nevertheless they would cause |
| | | | The proposed extension would by reason of its size, bulk and siting, would have a harmful visual impact on the character and appearance of 54 Ratcliffe Road itself, the Stoneygate Conservation Area and the setting of the Grade II Listed Ratcliffe Lodge, 56 Ratcliffe Road, contrary to National Planning Policy | |

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| | | | Framework (2019) paragraphs 124, 127, 130, 193, 196 and 197, Core Strategy (2014) policies CS03 and CS18, saved policy PS10 of The City of Leicester Local Plan (2006) and SPD Residential Amenity (2008). | detriment to the way the listed building is experienced. |
| 20202400 | Advertisement Consent | Allowed 21/09/2021 | Blackbird Road, Advertising Right Corner Of Blackbird Avenue Instillation of two internally illuminated advertisement hoardings (Class sui generis) The proposed two digital hoarding signs by reason of their size, location, illumination and prominent position would be incongruous features that would negatively impact the visual amenity of the local area in terms of visual clutter, contrary to policy CS03 of the Leicester Core Strategy (2014) and Paragraph 132 of the National Planning Policy Framework. | While the display units would be noticeable, in general terms they would be in keeping with their urban and commercial surroundings. the display units would be away from Ravensbridge Road and so they would be less prominent than existing boards when approaching the site from the east. Moreover, the scheme would reduce the overall amount of advertisement space and so would lead to a more open site compared to the existing situation. Subject to the units not being displayed at the same time as the existing panels, the proposal would lead to an overall reduction in clutter and so it would avoid an unacceptable cumulative effect. |

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| 20202137 | Change of Use | Dismissed | 40-42 Cavendish Road | |
| | | 30/09/2021 | Construction of 2 dormers at front and 1 dormer at rear; single and two storey extension at rear; outbuilding at rear; change of use from 2 houses (Class C3) to 7 flats (7X1 Bed) (Class C3) | Appellant names are different of forms and therefore appeal is dismissed |
| | | | From the evidence submitted, the City Council does not consider that, on the balance of probabilities, the developments carried out were substantially completed 4 years before the date of this application or that the change of use to 7 flats has occurred continuously for a period of more than 4 years before the date of this application. An enforcement notice has been served on 13th October 2020. Therefore, the proposal is not immune from enforcement action under the provisions of Section 171B (4)(b) of the Town and County Planning Act and is unauthorised. | |

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| 20201879 | Householder | Dismissed | 68 Dronfield Street | |
| | | 14/10/2021 | Construction of single storey extension at rear of house; alterations (Class C3) | The Council estimate that the existing amenity space would reduce from around 16m2 to just under 10m2. Either figure falls significantly below the minimum level for private amenity space set out in the Residential Amenity Supplementary Planning Document (SPD). The SPD explains that amenity spaces should be practical and usable. |
| | | | The proposed extension, by reason of its size and footprint, would leave an insufficient amount of rear usable private amenity space to the detriment of the living conditions of existing and future residents of 68 Dronfield Street contrary to Core Strategy (2014) policy CS03, saved policy PS10 City of Leicester Local Plan policy (2006), the Residential Amenity Supplementary Planning Document (2008) and paragraph 127 of the National Planning Policy Framework (2019). | The proposed amenity space would be a narrow space which would not be conducive for children's play. It is likely only to serve as a mean of access to and from the rear alleyway or as an area to dry washing. Whilst occupants use private amenity spaces differently, and I recognise the limitations of the existing space, the proposal would not allow for any recreational activity which is important given the dwelling offers accommodation for a small family even if the proposed extension would provide additional living space. |

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| 20202452 | Minor Development | Dismissed 18/10/2021 | <p>19 Hardys Avenue</p> <p>Demolition of garages; construction of detached bungalow with rear dormer (1x 3 bed); single storey detached outbuilding at rear (Class C3); associated parking (Revised plans received 01/02/2021)</p> <p>The proposed dwelling, by virtue of its incongruous design, siting, scale and massing, would appear at odds with the character and appearance of the area and would appear overly dominating from the street scene. The proposed dwelling would appear cramped on site and would fail to make a positive contribution to the surrounding area, contrary to the objectives of Chapter 12 the NPPF and Core Strategy policy CS03.</p> <p>The proposed dwelling, by virtue of its depth, siting, height and bulk, would harm the amenity of the both the neighbouring occupiers at 25 Hardys Avenue and host dwelling at 19 Hardys Avenue in respect of loss of light, impact on outlook from principal room windows and an overbearing impact. The proposed shared access between host dwelling and new dwelling would also result in loss of privacy for the occupiers of the</p> | <p>The new dwelling would not appear cramped in its plot. However, it would integrate a front facing gable of a sufficient height to accommodate a new front facing first window and habitable room. As a consequence, it would be markedly different in appearance to the front elevations of other properties nearby. Furthermore, the new dwelling would be significantly higher than neighbouring and nearby properties on Hardys Avenue, as well as integrating a rear flat first floor roof. The cross-gable and first floor flat roof would create a significant mass and bulk, highly discernible from the street scene. It would be the only such roof and first floor windowed gable in the street scene. As a consequence of its height, front first floor gable design and cross gable roof, it would be a dominant and somewhat jarring addition to the street scene, which would be at odds with and significantly harmful to the character and appearance of the area.</p> |

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host dwelling at 19 Hardys Avenue. The proposal would result in poor residential amenity contrary to paragraph 127 of the NPPF saved Policy PS10 of the City of Leicester Local Plan and the Residential Amenity SPD.

The proposal by reason of its inadequate off-street parking provision and loss of parking for the host dwelling would result in parking vehicles on narrow street to the detriment of the highways and pedestrian safety. The proposal is therefore contrary to the City of Leicester Local Plan policies AM01, AM12, Core Strategy policies CS14 and CS15.

The new dwelling would integrate sizeable blank two and single storey elevations extending approximately 6.5m to the rear of the main rear façade of No 19 a short distance from its side boundary. It would result in a significant increase in built development at the appeal site when viewed from the rear windows of No 19. Such would be the height, depth and proximity to the existing windows, the development would be significantly overbearing. This would be such that it would result in a harmful loss of outlook from the windows, resulting in harmful living conditions to the occupiers of No 19.

As consequence of its height, depth, and proximity the flank wall would be significantly overbearing, resulting in a significantly harmful loss of outlook to the side facing room of No 25. For similar reasons and also having regard to the obscure glazed door at No 25, the development would provide a significant barrier to daylight entering that room, resulting in a darkened and poorly lit room. The effect would be such that it would result in harmful living conditions to the occupiers of No 25 with particular reference to loss of daylight and

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outlook. Conditions could not overcome the harm I have found.

The proposals would be likely to reduce off-street parking at the appeal site and No 19. The evidence before me indicates the host dwelling would have 1 or 2 spaces the new dwelling would have 2 off-road spaces. While they would be off a sufficient width, they would measure approximately 5.2m, which would be 0.3m below the Council's suggested standard. As a consequence of being below the required standard there is an increased likelihood of cars hanging off the driveway. However, the overhang is likely to result in a similar incursion over the footway as vehicles parked within the markings and vehicles would not be likely to park across the dropped kerb. From what I saw the footway width would remain sufficient to allow pedestrians, wheelchairs, and people with buggies to navigate the footway safely. The evidence does not demonstrate there is not sufficient on-street parking available to accommodate the likely reduction in off-street parking as a result of the appeal proposal, and I have not been provided with evidence of parking stress in the area.

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Therefore, it has not demonstrated the development would be harmful to highway safety.

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| 20212675 | Minor Development | Dismissed 26/10/2021 | 120 Cavendish Road Construction of additional flat at second floor (1 x 1 bed); flat roof to be pitched; one dormer at rear of house (Class C3) | The proposed external amenity space would be of constrained extent and set remote from the building's frontage (from where access to the new flat would be drawn). It would also be in immediate proximity to commercial operations and set adjacent to various openings that serve existing ground floor flats. Although it is my understanding that the gates to the side of the building would not preclude access being obtained, it is unlikely that future occupiers of the proposed flat would identify with the intended amenity space as a high-quality shared space for their utilisation. Indeed, notwithstanding the arrangements currently in place at the site, it has not been satisfactorily demonstrated that it would be either practical or realistic to expect any future occupier of the proposed flat to actively seek to use the intended external amenity space (or any part of it) for their own personal enjoyment. |
| | | Decision for Costs is Refused | The proposal, by virtue of its size and layout, would fail to provide an acceptable level of accommodation for future occupiers. The proposal would provide a partially inaccessible and poor quality amenity space. The site therefore cannot accommodate the proposed development and would be contrary to Core Strategy (2014) policy CS03, saved policy PS10 City of Leicester Local Plan policy (2006), the Residential Amenity Supplementary Planning Document (2008) and paragraph 130 of the National Planning Policy Framework (2021). The proposal, by virtue of its layout, would fail to provide satisfactory levels of access to the proposed bin and cycle storage within the proposed site. The proposal is therefore conflict with Core Strategy (2014) policy CS03 and Saved Policy H07 (e). | Upon the revised plan, the positions of intended storage facilities for cycles and refuse are set out. The full details of such facilities could be secured via condition should |

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By reason of siting and design, the proposal would provide poor quality parking of which the space to the rear would only be partially accessible. The proposal is therefore in conflict with Policy AM12 of the Saved Local Plan and the Leicester Street Design Guide (2020).

the appeal be successful. Without prejudice to my findings with respect to the first main issue above, on the basis that mechanisms could be put in place to ensure that future occupiers would have the opportunity to access the rear of the site on a continuous basis, I am satisfied that the intended storage facilities would be suitably accessible.

The revised plan illustrates that the proposal is based upon the retention of the hardstanding for the purposes of parking to the front of the site. Whilst a dropping of the highway kerb would be required to formalise such arrangements to the front of the site, I am content that the hardstanding offers the realistic potential to accommodate up to four parked vehicles. In addition, one additional residential parking space within the yard is proposed. **Nevertheless, given the manner in which I experienced the yard to serve neighbouring commercial operations, there is significant doubt surrounding the realistic suitability and continual availability of this intended additional space.**

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| 20194665C | Enforcement | Dismissed | 25 Cambridge Street | |
| | | 26/10/2021 | Material change of use from three self-contained flats (Class C3) to three short term let aparthotel units (Sui Generis) | The question to be determined in these ground (c) appeals is whether the matter stated in the notice constitutes a breach of planning control. |
| | | | The requirement of the notice is for the use to cease the use of the property as short term let aparthotel commercial letting. | Number 25 Cambridge Street started life as a terraced house. In 2018 planning permission was granted retrospectively to extend the property and for a change of use to 3 flats. It is common ground that the property is now used as an 'aparthotel' – that is, as 3 serviced apartments. I understand that the property has been registered for business rates as serviced apartments since October 2019. If the aparthotel use is also a C3 dwellinghouse use, then no development has taken place and the notice must be quashed. If, on the other hand, the use does not fall within Class C3 and is materially different from the lawful use as flats, a breach of planning control will have occurred. |
| | | | The period of compliance is 3 months | Notwithstanding the longer lets referred to by the appellants, the units are let via a lettings website and are available for very short periods, often being let for a day or two at a time. I have not been provided with full details |

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of every letting, but the evidence of the Council and a neighbour, including reviews on the letting web-site, suggests that stays of a week or less account for a very significant proportion of the stays. It also appears that lettings take place all year round.

Of course, many dwellinghouses occupied on a long-term basis are occupied by people who are inconsiderate and hold loud parties. In such circumstances, neighbours might well complain to the occupiers to hopefully improve matters. However, the constant turnover of occupiers of the units appears to have resulted in a much higher incidence of parties and noisy socialising than would be expected if the units were occupied on a longer-term basis. It is very clear that this has caused significant levels of noise, disturbance and stress to the occupiers of an adjoining property within this residential terrace. None of the evidence regarding this is disputed. The regular turnover of visitors must hinder the neighbours in any attempt to complain and resolve matters.

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Even setting the parties aside, the use of the units for very short periods will create a greater degree of comings and goings, including people arriving, and unloading their things, packing and leaving, together with visits by cleaning staff in between visits. One of the reviews of the property provided by a relatively long-term resident states, 'expect a constant flow [of] human traffic (over the weekend especially)'.

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| 20174332C | Enforcement | Dismissed | 2 Windermere Street | |
| | | 28/10/2021 | <p>Unauthorised change of use from house (class c3) to hot food takeaway (class a5) on ground floor and three self-contained flats on ground, first and second floors, construction of detached building to provided one self-contained flat (class c3)</p> <p>The requirements of the notice are:</p> <ul style="list-style-type: none"> 5.1 Cease the use of the ground floor rear, the first floor and second floor of the property as three self-contained flats 5.2 Remove all fixtures and fittings from the ground floor rear, first floor and the second floor of the property in connection with the use as self-contained flats 5.3 Demolish the detached building to the rear of the property as outlined in blue on the plan attached to the enforcement notice 5.4 Dispose of all waste materials <p>The period for compliance is 16 weeks</p> | <p>Ground B - This ground of appeal has been made only in relation to the hot food takeaway use of part of the ground floor. The appellant has stated that at the time the enforcement notice was issued the front part of the ground floor was being used as a café/restaurant rather than a hot food takeaway. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that part of the ground floor was in use as a café/restaurant and not as a hot food takeaway at the time when the notice was issued. There is no specific evidence that accompanies the appellant's statement of case to demonstrate that those facilities were available. I have not for example been provided with dated internal photographs, statutory declarations from customers/occupiers of the unit, menus, opening times or a floor plan.</p> <p>An appeal on ground (a) is that planning permission ought to be granted, either wholly or in part, for the breaches of planning control alleged at section 3 of the enforcement notice.</p> |

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I consider that Flats 1, 2 and 3 **have noticeably restricted movement and circulation space allowing for only a limited range of furniture and storage space for personal belongings. The overall impression of these flats is that they feel distinctly cramped due to their internal size and layout. I consider that Flat 4 would also feel cramped due to its limited internal size in combination with the flat being within the roof space. From my visit it was also evident that with respect to Flat 1, the standard of outlook from windows serving the living room and the kitchen was particularly poor. The outlook from the living room window being largely onto the wall of the detached building which is relatively close to that window. The kitchen window is relatively small, and it is at a high level. Flat 4 is served by skylights only, and therefore the occupiers of that unit do not benefit from any direct outlook. I am in no doubt that this results in oppressive living conditions for the occupiers of these respective units.**

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Taking into account all of the above, none of the self-contained flats can reasonably be considered as providing a satisfactory living environment for existing and future occupiers. The limited external amenity space exacerbates/would exacerbate the unsatisfactory living environments of the existing and future occupiers of those flats. Overall, the unsatisfactory living environments of the flats' occupiers demonstrates that the area does not/would not have the ability to assimilate this development with regard to the existing and future occupiers of those flats.

An appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. The notice does not specify which purpose it seeks to achieve. The requirements in an enforcement notice may, and often will, serve both the purpose of remedying a breach of

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planning control and the purpose of remedying any injury to amenity. the requirements of the notice are necessary and sufficient to remedy the breach by returning the land to its former condition prior to those parts of the breach taking place. Given that the corrected notice does no more than seek to achieve the purposes of sections 173(4)(a) and (b) of the 1990 Act, it is not excessive. Therefore, the appeal on ground (f) fails.

Ground G - The ground of appeal is that the period of time for compliance with the notice falls short of what should reasonably be allowed.

Six months would allow the appellant the time to submit to the Council a planning application for an alternative scheme. Consequently, a reasonable period for compliance would be 6 months, and I am varying the enforcement notice accordingly, prior to upholding it. The appeal under ground (g) succeeds to that extent.

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| 20210797 | Change of Use | Allowed | 160 Fosse Road North | |
| | | 28/10/2021 | Part change of use of first floor and part of ground floor from offices ancillary to retail (Class A1) to 3 flats (3 x 1 bed) (Class C3) Appeal on Non-Determination. Flat 3 is too small to provide the facilities required for day to day private existence and so would not constitute a dwellinghouse. The prior approval application is therefore not valid in terms of Schedule 2, Part 3, Class M of the General Permitted Development Order. | Failure to refuse the application within the statutory period means that I cannot at this juncture address any questions of whether or not the proposal would be permitted development |

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| 20200059 | Certificate of Lawful Use | Dismissed 05/11/2021 | 176 Welford Road Certificate of lawful existing use as place of worship (Class F1(f)) The evidence suggests that on the balance of probability the use has not been a place of worship continuously for the past 10 years. | <p>Taken together, the utility bills, Council Tax bills and Companies House information indicate that the building has been used in connection with the Muslim Welfare House (or Trust) since around 2000. However, they give little indication of how the building was actually used during that time.</p> <p>The Statutory Declaration is made in the proper form and is an important piece of evidence. It indicates that the building has been used for religious function and worship since 1988, and the correspondence with the Council regarding the database is a further indication of religious use. Overall, it appears probable that an element of religious worship and related activity has taken place at the property over an extended period, quite possibly since 1988.</p> <p>However, use for religious purposes does not necessarily mean that the residential use ceased for any relevant 10 year period prior to the LDC application. In particular, it is significantly undermined by the claim, in applications to the Council as recently as</p> |

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2015, that the property was in C3 dwellinghouse use. The suggestion of a C3 use is further supported by the notes on the Council Tax bills, including the most recent ones available to me, indicating that the use of the property included providing accommodation for students. Consequently, the appellant's claim of a single use as a place of worship has not been demonstrated.

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| 20202491 | Certificate of Lawful Development | Dismissed 09/11/2021 | <p>88 Dorothy Road</p> <p>Certificate of lawful existing development for construction of dormer at rear; single storey extension at rear of house (Class C3)</p> <p>The proposal is NOT permitted development as the property approved under planning reference 20180137 has not been completed or occupied as a dwelling house and as such, the provisions of Schedule 2, Part 1, Class A and Class B (Development within the curtilage of a dwellinghouse) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, as amended, do not apply.</p> | <p>The courts have held that what is substantially completed should always be decided as a matter of fact and degree. It has also been held that whilst there is no definition of the term, 'substantially completed', a holistic approach should be taken when considering the matter. If a building is not carried out internally and externally in full accordance with a planning permission, the whole development is unlawful. In this case that means that if the building has not been implemented in accordance with the approved drawings under planning permission reference 20180137 it is unlawful and a certificate cannot be granted on that basis.</p> <p>The LDC application for a rear dormer (Reference 20202128) shows an intention to build a dormer as does the steel beam analysis and design for the dormer ridge beam structure by Structskill Structural Services dated 1 February 2020. I have also taken account of the other supporting evidence including dates and details set out on invoices and sales receipts from building material suppliers. Whilst it is likely that these relate to</p> |

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the appeal property and the dormer and rear extension there is insufficient evidence that the originally approved house was substantially completed before the additions were started.

I also noted at my site visit that the property has not yet been fitted out for residential occupation and therefore it cannot be said that occupation as a single dwellinghouse is imminent or imminently likely. Therefore, I cannot see how the original dwelling without the dormer and rear extension was completed to the degree that use was imminent or imminently likely.

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| 20210553 | Householder | Dismissed | 89 Aylestone Road | |
| | | 10/11/2021 | <p>Construction of hip to gable roof; one dormer at front; one at rear of house (Class C3); alterations</p> <p>The proposed hip to gable extension and dormers, by reason of their excessive mass, poor incohesive design and siting, would fail to integrate the two roofscapes of Aylestone Road and Hazel Street, and disrupt the prevailing typology of the roofscape. The proposal would visually dominate the street scene contrary to paragraphs 127 and 130 of the NPPF 2019, Core Strategy policy CS03 and the Residential Amenity SPD.</p> | <p>The proposed front and rear dormer windows would introduce discordant and alien features within the roof scape of this part of the street scene. The front dormer would not reflect the windows at roof level nearby in Aylestone Road which appear to be part of the original design of the properties and the box dormer on the rear would be an overly bulky, top heavy addition that would detract from the simple roof form of the terrace of which the host property forms part. The resultant scale of the property would appear incongruous alongside the other two storey buildings nearby.</p> |

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| 20210525 | Minor Development | Dismissed 12/11/2021 | <p>Block of garages, land adjacent to 113 Mountcastle Road</p> <p>Demolition of block of garages; construction of three storey detached building to form 3 self-contained flats (3 x 2 bed) (Class C3)</p> <p>The proposed building by reason of its location, design, size, scale and layout would be at odds with the prevailing pattern of development and scale of the two storey typical terraces houses in the surrounding area. It would adversely affect the character and appearance of the site and wider street scene contrary to the aims of the paragraphs 127 and 130 of National Planning Policy Framework(2019), Policy PS10 of the City of Leicester Local Plan, Policy CS03 of the Core Strategy and the SPD for Residential Amenity.</p> <p>The proposed building by reason of its design, layout and narrowing plot width would result in an unacceptable layout, inadequate amenity space, poor living environment and cramped form of development to the detriment of future occupiers. Therefore the proposal is contrary to the aims of the paragraph 127</p> | <p>Access to the flats would be from Lambert Road and from a gate to the side of No 113. As a result, the elevation facing Mountcastle Road would not contain any doors. This would contrast starkly with the nearby houses on Mountcastle Road. In addition the proposed first floor windows on this elevation would be materially shorter than those of the neighbouring houses which, in the main, reach to within a few brick courses of the eaves. These departures from the established consistency would result in the proposal appearing incongruous in its context, and the provision of matching details such as bay window features, brick quoins and render at first floor level would not mitigate that.</p> <p>Although some of the rear elevation would be obscured by the two-storey dwelling at No. 9 Lambert Road, the development's projection further forward than that house, and above its roof slope, would mean that a significant proportion of it would be clearly visible in the street scene. From there, it would appear as</p> |

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of the National Planning Policy Framework (2019), Core Strategy (2014) policies CS03 and CS06, saved policies H07 and PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).

an excessively large mass contrasting starkly and harmfully with the traditional two-storey houses that prevail in the area. It would also not compare favourably with other examples nearby of development at second floor level which are roof extensions at individual houses and are of a much smaller scale than the proposal.

The development would provide a triangular shaped area of amenity space to its rear. Flat 1 would have its own part and flats 2 and 3 would share a part. The quantity of space meets the requirements of the Council's Residential Amenity Supplementary Planning Document. However the space would be between the three storey rear wall of the development and the 2½ storey gable wall of No 9 Lambert Road and at its narrowest point would be less than a metre wide. Indeed, the space to be shared by flats 2 and 3 would only be roughly 2.5m wide at its widest. This space would merely provide space for bin storage and possibly cycle storage and would be so overdominated by built form that it would most likely be of no other benefit to the occupiers of these two flats, such as for outside play or

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siting out. To that end, however, its use for bin and cycle storage would not compromise the privacy of the occupiers of the ground floor flat and any noise generated would be fleeting and not excessive. I also have no reason to consider the gate access would be insufficiently narrow to be practical.

Turning to flat 3, the officer's report refers to the Council's corporate guidance in 'Achieving Well Designed Homes'. This incorporates the Nationally Described Space Standards (NDSS), which advises that 2-bedroom flats over a single floor, should be at least 61m2 in area with at least 75% of that space having a headroom greater than 2.3m. Although this corporate guidance does not appear to be adopted planning guidance, and the development plan does not refer to the NDSS, I have had some regard to it.

Flat 3 would be within the roof of the building. It would have a floor area of 60m2. Also, less than 75% would have a headroom greater than 2.3m as the plans show 75% of this space would have a headroom of only 1.8m or more. The appellant advises that the areas

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with less headroom than 1.8m would be used for storage, however in all three rooms with sloping ceilings this space is where the windows would be sited so it is likely that much of this space would need to remain open to allow light to penetrate the rooms. I consider therefore that the flat would be limited in size and much of it would have a limited headroom.

In addition, the rooflights serving the bedrooms and the lounge in this flat would be sited towards the bottom of the roofslope. This means that they would be below the eyeline for most adults when stood up. As such the outlook from the flat would be limited.

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| 20210801 | Householder | Allowed | 4 Howe Lane | |
| | | 30/11/2021 | Construction of single storey extension at side and rear of dwellinghouse (Class C3) | The existing space is some 58.4m2 and the proposal would result in a lesser amount of garden space being some 54m2. |
| | | | The proposal would result in poor living conditions for existing and future residents of the application site by reason of the small amount of remaining garden space. The proposal does therefore not comply with policy CS03 of the Core Strategy (2014) and the Residential Amenity SPD (2008). | |

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| 20211255 | Householder | Dismissed | 49 Alderton Close | |
| | | 08/12/2021 | Construction of single storey extension at front of house and alterations (Class C3) (Amended 30/06/2021) | As a result of its prominent location, the proposed extension would appear as a dominant and incongruous feature and would not contribute positively to the wider street-scene. In addition, the loss of the hooked feature would not maintain the sense of separation between dwelling frontages and would erode the established uniformity of the street. This is because the hooked feature is a design feature that contributes to the estate's layout and uniformity which characterises the area. |
| | | | The proposal by virtue of its size, siting and design would visually detract from the local character and the general uniformity of the immediate built form resulting in harm to the street scene. The proposal would fail to assimilate in the existing area and is a contrived form of development. Overall, the scheme would represent poor design and would therefore be contrary to Core Strategy policy CS03, saved Policy PS10 of the City of Leicester Local Plan, Residential Amenity SPD and paragraphs 130 and 134 of the National Planning Policy Framework 2021. | In addition, the proposal would extend to the side of the neighbour's garage at No 48. The proposal would have a single storey pitched roof; this would sit next to the single storey flat roof garage at No 48. This change in roofline from pitched to flat roof would interrupt the roof profile of this group of dwellings and detract from the street-scene. Combined with the loss of the hooked feature and gap between the dwellings, this would have a significant and detrimental effect on the character and appearance of the area. |

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| 20211228 | Householder | Dismissed | 215 Knighton Church Road | |
| | | 08/12/2021 | Construction of single storey extension to rear of property (Class C3) | The proposed extension would include a principle room with a large window on its side elevation facing the neighbouring property at No 213. The proposed extension would extend closer to No 213 than the existing outbuildings because it would be wider than the existing rear additions. No 213 already has a rear extension with two windows that face out towards where the proposed extension would be located. Although a gap and yard areas between the two properties would be maintained, the extension would be a significant mass of built form with a large window in proximity to the neighbour's existing windows. As a result, it would appear as an unduly enclosing feature when viewed from the windows of No 213. |
| | | | The proposed development, by virtue of its design, size, and window placement, would appear as a cramped form of development that would result in harm to the residential amenity of both the occupants of 213 Knighton Church Road, and the host property, in respect of overbearing, overshadowing, and lack of privacy. The proposal would be contrary to the paragraph 130 of the NPPF, Core Strategy policy CS03 and policy PS10 of the City of Leicester Local Plan. | |

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| 20211228 | Householder | Allowed | 16 Quorn Road | |
| | | 14/12/2021 | <p>Retrospective application for the construction of single storey store at rear of house (Class C3)</p> <p>The proposed rear extension due to its siting, height and length would cause a significant detrimental impact on the outlook from the garden of 18 Quorn Road, as well as 5 Oakley Road. Therefore the proposal is contrary to Saved City of Leicester Local Plan (2006) Policy PS10.</p> <p>The proposed single storey extension would by reason of its design, size and bulk have a significant detrimental impact due to poor level of amenity space at the rear garden of the host property contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, saved policy PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).</p> | <p>Prior to construction of the store the outdoor space was already very small, however this is common with this type of property. The dense pattern of development and low boundary walls also mean that the outdoor space is almost completely overlooked by the surrounding houses, so it is not a particularly private space. Therefore, the occupiers would likely have made use of the numerous surrounding parks and public spaces for recreation space.</p> <p>No 18 has an extension and shed which together extend along much of the shared boundary with No 16. The store is taller than the neighbouring shed but not significantly higher than the extension to No 18. The store results in one side of the garden of No 18 being enclosed to a slightly greater extent than before it was constructed, however the relatively low boundary walls on the other side mean that the garden retains a sense of openness in that direction. Consequently, the store does not significantly adversely affect the outlook from the garden of No 18. Additionally, given the location and scale of the store and</p> |

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the intervening structures, it is not prominently visible from the ground floor of the dwelling, so does not harmfully affect the outlook from its windows.

No 5 has an extension built close to the rear boundary of its garden. The windows along this extension face out towards No 3 rather than towards the appeal site and because of this, only a small part of the store can be seen from them. Consequently, the store does not significantly or harmfully affect the outlook from those rooms. Given the limited scale of the store, although it projects slightly further forward than the neighbouring extension it does not harmfully enclose the garden of that property or dominate the outlook from it or the rear of the house. Therefore, it does not make those areas significantly less pleasant or practical to use.

