

PLANNING INSPECTORATE APPEAL DECISIONS		
20188092A	54 PROSPECT ROAD	
Proposal:	CHANGE OF USE OF SINGLE STOREY DETACHED BUILDING AT REAR OF HOUSE TO STUDIO FLAT; ALTERATIONS (CLASS C3)	
Appellant:	MR AHMAD	
Appeal type:	Planning Appeal	
Appeal received:	11 December 2018	
Appeal decision:	Dismissed	
Appeal dec date:	13 March 2019	
TEI	AREA: E	WARD: North Evington



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Summary

- The application was refused in October 2018 under delegated powers because of poor living conditions.
- The appeal was dismissed.

Location and Site Description

The appeal related to an outbuilding at the rear of a residential property in a residential part of the city. Both the residential property and the outbuilding are accessed off Prospect Road.

The Proposal

The proposal was for the change of use of the outbuilding to a studio flat and for alterations to support that change of use. It was refused on 19.10.18 as the flat would have resulted in a cramped living environment with no amenity space and a singular outlook on to the pedestrian footway. It would also have resulted in the loss of space ancillary to 54 Prospect Road failing to provide private amenity space for future occupiers of the proposed flat. The cumulative impact of the proposal meant that the proposal could not be satisfactorily assimilated on site.

The Appeal Decision

The appeal was dismissed.

Commentary

Whilst acknowledging that the garage is not to be demolished and may not provide an external play or sitting out area the inspector observed that the proposal would nevertheless remove the opportunity for existing occupiers to use the site for purposes incidental to the primary residential use. In addition the inspector observed that the parking of cycles within the covered passageway would potentially cause an obstruction to existing occupiers.

The inspector concluded that overall the proposal could not be assimilated into the curtilage of the existing property without causing significant detriment to the occupiers of the existing property.

The inspector concurred that there were amenity concerns regarding the single aspect outlook, the windows adjacent to the footway, the direct access to the living space, the lack of amenity space and the size of the internal accommodation.

The inspector concluded that whilst individually these might not be reasons for the appeal to fail it is the accumulation of these individual matters which would fail to provide satisfactory living standards for the future occupiers.

The inspector emphasised the weight of paragraph 127(f) of the National Planning Policy Framework in requiring development to afford a high standard of amenity for occupiers. The inspector also added that notwithstanding the Council's absence of a 5 year supply of housing land unacceptable harm had nevertheless been identified, the appeal scheme would not be sustainable development and a decision other than in accordance with the development plan would not be justified.