

<b>PLANNING INSPECTORATE APPEAL DECISIONS</b>		
<b>20188053A</b>	<b>483-485 SAFFRON LANE</b>	
Proposal:	<b>CHANGE OF USE OF PART OF SHOP ON GROUND FLOOR (CLASS A1) TO THREE SELF CONTAINED FLATS (CLASS C3); CONSTRUCTION OF FIRST AND SECOND FLOOR EXTENSION; ALTERATIONS</b>	
Appellant:	MR R SANGAR	
Appeal type:	Planning Appeal	
Appeal received:	13 November 2018	
Appeal decision:	Dismissed	
Appeal dec date:	29 April 2019	
PK	AREA: W	WARD: Aylestone



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**Summary**

- The appeal related to an existing storage building at the rear of a retail (Class A1) store on the eastern side of Saffron Lane, on the junction with Cyprus Road.
- The application was refused under delegated powers in June 2018 by reason of significant detrimental impact on the appearance and character of the prominent site and the surrounding area.

- The appeal was dismissed.

### **Location and Site Description**

- The application site comprises a two storey building fronting Saffron Lane which is retail at ground floor with 2 flats above. The ground floor use extends to the back of the site by virtue of single storey flat roof store rooms.
- The proposed development would be located at the rear of the site which would be accessed off Cyprus Road.
- The site is located in a primarily residential area as defined by the Core Strategy 2014. To the north of the site is the Saffron Lane/Duncan Road local centre and to the south lies a primary employment area.

### **The Proposal and Decision**

The proposed development was for the part demolition of a store room and convert the rear-most store and to extend at first and second floors to provide three residential flats comprising 2 x 1 bedroom units (ground and first floor) and one studio flat (second floor).

The proposed extension would measure approximately 7.1 metres in height and would provide a pitched roof with windows in the north and east elevations of the proposed residential building and dormers within the north (front facing) roof slope.

In between the proposed residential use and the existing retail area on the ground floor it is proposed to have an 'L' shaped courtyard area which would comprise the amenity space, cycle parking and bin store for the proposed residential flats. This space would also provide access to two store room's incidental to the retail store and a ground floor kitchen, and would also have an access point to the existing two flats at the site. The pedestrian access into the site would be from a gate located along the northern boundary wall along Cyprus Road. There is an additional pedestrian access gate along the site's southern boundary into the garden of 487 Saffron Lane, the applicant has advised that there is an established right of way across the adjacent garden.

It is also proposed that part of the roof of the existing retail store area would be raised by 0.3 metres.

Planning permission was refused for the following reasons:

1. The proposed first and second floor extension by reason of its siting would fail to achieve adequate separation distances from existing principal room windows at the host property and adjacent property at 487 Saffron Lane resulting in an adverse impact on the amenity of these properties in respect of outlook, privacy and overlooking. The proposal is therefore contrary to Policy PS10 of the City of Leicester Local Plan and the SPD for Residential Amenity.
2. The proposal by reason of the three additional flats and the lack of sufficient external space, would result in an amenity area which would be cramped and unusable. The site therefore does not have the ability to assimilate the proposed development. Therefore the proposal is contrary to Policies H07 and PS10 of the City of Leicester Local Plan, Policy CS03 of the Core Strategy and the SPD for Residential Amenity.

3. The proposed ground floor flat due to its design and siting of the side windows would result in significant harm to residential amenity due to noise and general disturbance contrary to Policies PS10 and H07 of the City of Leicester Local Plan and Policy CS03 of the Core Strategy.
4. The proposal would by the reason of the lack of off-street parking provision would result in additional demand in an area where on street parking is at a premium to the severe detriment of highways safety and congestion, contrary to Policies AM12 and H07 of the Local Plan, Policy CS14 of the Core Strategy and Appendix 1 of the City of Leicester Local Plan.

### **The Appeal Decision**

The appeal was dismissed.

### **Commentary**

In terms of the first reason for refusal, which relates to the lack of adequate separation distance between the proposed development and no.487 Saffron Lane, the Inspector notes the separation distances and further takes into account the appellants comments regarding removing and/or obscure glazing windows in the development's side elevation to overcome the impact. The Inspector concludes that the obscure glazing, repositioning and/or removing windows would compromise the outlook for future occupants and the lack of separation would result in harm to the living conditions of no.487.

The Inspector, in assessing the amount of amenity area available for the future occupants, recognised how cramped and unuseable the open space would be. The Inspector notes the number of different users of this space and also the layout of flat 1 at the ground floor which would have a secondary window serving a principal room within the flat looking directly onto this space. The Inspector agreed that the development would not secure a satisfactory living environment for future occupants.

The Inspector acknowledged the sustainable location of the site close to bus stops and also recognised that there were no parking restriction of Cyprus Road. However the Inspector observed the limited parking opportunities on a relatively narrow street (Cyprus Road) and concluded that the propose development would have a detrimental impact on the highways safety in the immediately area.

The Inspector agreed with the assessment of the LPA and supported its assessment against relevant policies.