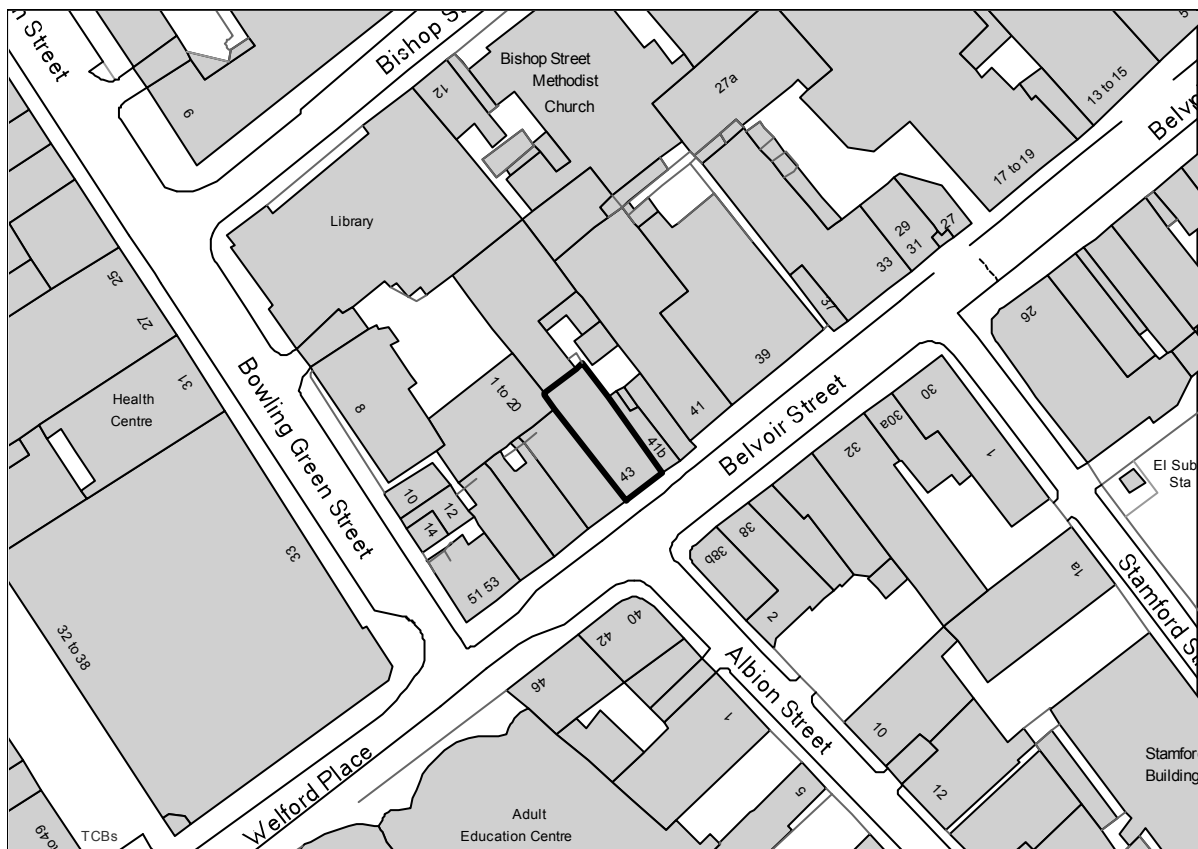


| PLANNING INSPECTORATE APPEAL DECISIONS | | |
|--|---|--------------|
| 20198004A | 43 BELVOIR STREET | |
| Proposal: | INSTALLATION OF ROLLER SHUTTER; CONSTRUCTION OF FIRST FLOOR TERRACE; ROOF LIGHTS; ATERATIONS (CLASS A3) (AMENDED PLANS 22/10/18) | |
| Appellant: | MR ABDUL CARATELLA | |
| Appeal type: | Planning Appeal | |
| Appeal received: | 16 January 2019 | |
| Appeal decision: | Allowed | |
| Appeal dec date: | 4 June 2019 | |
| SC | AREA: C | WARD: Castle |



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Summary

- An application was refused under delegated powers; the noise from the roof terrace would harm residential amenity and the roller shutters would harm visual amenity.
- The appeal was allowed; and
- The Inspector felt that the presence of tall buildings around the terrace would mitigate noise transmission and its impact on residential amenity. He agreed the roller shutters would harm visual amenity

Location and Site Description

The appeal relates to a three-storey locally-listed building which is located adjacent to the Market Street Conservation Area. The site is currently in use as a bar and grill. It also relates to the single-storey building next door at number 41 which is currently used as a hot food takeaway.

The Proposal and Decision

The proposal was for the following:

- Construction of an outdoor roof terrace above no. 41b to create an outdoor area for the bar/grill at no. 43.
- Introduction of two roof lights to the north-east facing roof slope above number
- Introduction of roller shutters to the ground floor frontages of both 43 and 41b

The application was refused on the following grounds:

- The proposed roof terrace would harm the amenity of residents of nearby flats, and furthermore would prejudice the future use of upper floors of nearby premises for residential purposes due to noise.
- The proposed roller shutters would cause harm to visual amenity, and would be harmful to the significance of number 43, which is a locally-listed non-designated heritage asset.

The Appeal Decision

The appeal was allowed.

Commentary

The inspector took the view that tall buildings in between the site and flats at 6 and 8 Bowling Green Street would mitigate noise transmission in that direction, and noted the presence of other tall buildings around the site.

As regards potential prejudice to future use of upper floors in the city centre for housing, the inspector noted the City Councils support for regeneration and new housing in the city centre, but stated that they could only assess the proposal on the information in front of them.

The inspector agreed that the proposed box-type shutter would be out of keeping with the surrounding street scene, but noted the presence nearby of open grille shutters with a housing that is flush with the shop front. He therefore allowed the installation of shutters subject to a pre-commencement condition that the details be approved by the local planning authority.