

Appeal Decision

Site visit made on 28 February 2017

by J C Clarke BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 April 2017

Appeal Ref: APP/W2465/W/16/3164134

Site of 1 Narborough Road, Leicester LE3 0LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Iqbal Noormahomed, M F Enterprises (Leicester) Ltd against the decision of Leicester City Council.
 - The application Ref 20161449, dated 14 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is described as a '3 storey restaurant/take-away to include kitchen, seating area, use class A5 with a residential flat at second floor to include separate external access stair, use class C3'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposed flat would provide satisfactory living conditions in terms of internal and external space provision;
 - (b) whether the proposed external stairway would provide satisfactory levels of security and privacy for occupiers of the proposed flat;
 - (c) the effects of the proposed external stairway on the character and appearance of the area.

Reasons

Background and policy context

3. The Council has not raised any objections in principle to the redevelopment of the site, which I understand previously had a building on it. The issues in dispute between the parties therefore focus on design matters.
 4. Paragraph 17 of the National Planning Policy Framework (the 'Framework') establishes that one of the core principles of planning is to seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The City of Leicester Local Plan (CLLP) and Leicester Core Strategy (LCS) 2010 also emphasise the importance of design.
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Living conditions

5. The proposed flat would comprise a single bedroom/kitchen/sitting space, to which access would be obtained directly off an external staircase, plus a small bathroom. Although the plans show that the gross external area of the flat would be 41 square metres, the internal area would be somewhat less than this.
6. The Council has not to my knowledge adopted the national minimum space standards. However, for comparison purposes if applied locally these would require single bedroom/2 person dwellings such as this to provide a minimum of 50 square metres gross internal area¹. To my mind the internal accommodation provided would be cramped. This effect would be exacerbated by a lack of any usable external amenity space.
7. I conclude that, due to the cramped nature of the accommodation provided, the proposed flat would not provide satisfactory living conditions for its occupiers. Its approval would conflict with the relevant provisions of Policy H7 of the LLP and the Framework related to this matter.

Security and privacy

8. The external stairway to the proposed flat would run up directly from the edge of the footway on Narborough Road, through a narrow and confined gap between the proposed building subject to appeal and the adjacent building.
9. The proposed stairway would provide a means by which access could be readily provided to the second floor flat. However, the bottom end of the steps would not, according to the submitted plans, be separated from the adjacent public footway by any gate or other means of enclosure. Furthermore, the entrance to the flat at the top of the stairs would have little natural surveillance and the stairway would be likely, due to its lack of enclosure from the public footway, to attract litter and anti-social behaviour. The proposal would fail to create an effective distinction between the public and private domain.
10. I acknowledge that it would be difficult to prepare a revised scheme with the stairway set back within the site away from the public footway or within the building without fundamentally re-designing the scheme. However, this point does not detract from the security issues referred to above.
11. Having regard to these points, the proposed external stairway would not provide adequate levels of security and privacy. Its approval would conflict with relevant provisions in Policy CS3(3) of the LCS and the Framework.

Character and appearance

12. The Council's concerns in relation to this issue also focus on the proposed external stairway. As stated by the Appellant, this would only be clearly seen from areas in front of the appeal site. The proposal would also secure the redevelopment of a prominent and vacant 'gap' site, which could suitably be redeveloped using contemporary design principles.
13. However, the creation of a confined gap between the proposed building and that to the north of the site as proposed would not to my mind constitute good

¹ 'Technical housing standards – nationally described space standard', Department for Communities and Local Government 2015, table 1

design. The stairway itself, rising immediately from the back of the footway and being constructed in galvanised steel, would also appear as a rather incongruous feature in the street scene. For these reasons, the proposed external stairway would detract unacceptably from the appearance of the scheme. Its approval would therefore conflict with relevant provisions of Policy CS3 of the LCS and the Framework.

Conclusion

14. I have found that the design of the proposed development would be harmful in relation to each of my main issues. No other matters which would outweigh these conclusions have been brought to my attention. The proposal would therefore conflict with the development plan as a whole and fail to constitute sustainable development as defined in the Framework.
15. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR