



Appeal Decision

Site visit made on 1 October 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2019

Appeal Ref: APP/W2465/W/19/3233521

1-9 Regent Road, Leicester LE1 6YE

- 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 N Undakat (Blue Pyramid Investment) against the decision of Leicester City Council.
 - The application Ref 20182191, dated 28 September 2018, was refused by notice dated 1 March 2019.
 - The development proposed is the construction of additional storey to create two additional dwellings; alterations to building.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of additional storey to create two additional dwellings; alterations to building at 1-9 Regent Road, Leicester LE1 6YE in accordance with the terms of the application, Ref 20182191, dated 28 September 2018, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matter

2. The description of development in the heading and decision above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed so I have used the one given on the original application.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character and appearance of the New Walk Conservation Area (CA).

Reasons

4. The appeal site is located within the CA and so I have had regard to the legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area¹.
5. The CA includes New Walk as well as surrounding streets and properties. The significance of the area partially lies with the retention of many 19th century buildings that point to its origins as a residential suburb.

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

6. The front of the appeal property is readily apparent on Regent Road and can also be seen from Welford Road. The rear wing is less obvious in the street scene, although can be seen from the road across the adjacent car park. The appeal property contributes positively to the area by reason of its age and the retention of original architectural features, particularly on its façade.
7. The proposal would result in an additional floor on all parts of the appeal property. Since the Council's decision leading to this appeal, planning permission has been granted for the construction of an additional storey on part of the rear wing². As this is a recent permission, there is a greater than a theoretical possibility the new storey would be constructed regardless as to my decision in respect of this appeal. This fallback position is a factor in my assessment of the proposal.
8. The New Walk Conservation Area Character Statement 2004 (NWCACS) divides the CA into 3 sub-areas with the appeal site lying in the Holy Trinity zone. The NWCACS advises that in the Holy Trinity area, buildings are generally 3 storeys and states that new buildings should not exceed the height of their neighbours to ensure properties complement each other³.
9. The resulting 3 storey high building would be in line with building heights generally seen in the Holy Trinity sub-area. Furthermore, the proposal would lead to the appeal property being a similar height to the 3 storey high Bricklayers Arms public house, the closest building to the appeal site. Given this context and the fact permission already exists for a 3 storey building to be provided on part of the site, the proposed additional storey would not appear incongruous to the area.
10. A line of 2 storey buildings adjoins the Bricklayers Arms on Welford Road. However, the appeal property is more readily seen in the context of Regent Road and has no strong relationship with the Welford Road buildings. Also, the 2 storey properties adjoin 3 storey buildings on either end, so the proposed development would not disrupt a line of consistent height. Moreover, a 3 storey façade on the corner of Regent Road and Welford Road would mimic the scale of the building on the corner of Welford Road and Tower Street.
11. Given the varying building heights in the area, there is no significance to the appeal property being 2 storeys high. The proposed windows would be similar in proportion to those on other 3 storey buildings in the CA and matching materials and features are proposed. As such, the development would be sympathetic to the appeal property and to the area.
12. For the above reasons, I find the appeal development would not harm, but would be consistent with the preservation of the appearance and character of the CA. Consequently, the appeal development complies with CS policies 3 and 18 of the Leicester City Local Development Framework Core Strategy 2014 and the National Planning Policy Framework, which aim, amongst other things, to conserve and enhance heritage assets and the local character of an area.

Conditions

13. I have considered the conditions put forward by the Council. A condition detailing the plans is necessary for the avoidance of doubt. Conditions that

² Leicester City Council planning permission ref. no. 20190459 dated 13 June 2019.

³ Paragraphs 11.5 and 11.6.

require the submission and approval of external materials and features are also needed to ensure the satisfactory appearance of the development. For the same reason I impose a condition requiring waste bins to be stored within the site behind the gates. A condition is needed relating to the approval and provision of sound insulation to safeguard the living conditions of the occupiers of the proposed flats. Also, a condition is imposed limiting times of construction and demolition works to safeguard the living conditions of occupiers of nearby properties.

14. Where appropriate, I have amended the wording of the suggested conditions for reasons of precision and to avoid unnecessary pre-commencement conditions.

Conclusion

15. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Un-numbered Location Plan (scale 1:500@A4), 16-119.02 revision C, 16-119.04 revision C.
- 3) No development apart from the removal of the existing roof shall take place until details of the materials to be used in the construction of the external surfaces of the additional storey hereby approved have been submitted to and approved in writing by the local planning authority. Details shall include a sample panel at least 1 metre x 1 metre that shows proposed brick, bond and pointing technique, details of feature brickwork such as the dentil course on the front elevation as well as a palette of materials (including roofing, any cladding or render) to be used in the development. The development shall be constructed in accordance with the approved details and samples.
- 4) Prior to their installation, joinery and masonry details of all new windows and rooflights incorporated within the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Details shall include plans at scale 1:10 or 1:20 showing the joinery details of the windows and masonry details of the cills and lintels. Development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the development hereby permitted, details of a sound insulation scheme to protect the living conditions of occupiers of units on the site and to be installed as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The sound insulation scheme shall be informed by a noise survey, details of which shall be submitted with the scheme. The

approved sound insulation scheme shall be fully installed prior to the first occupation of the development hereby approved.

- 6) Demolition or construction works shall take place only between 07:30 to 18:00 on Mondays to Fridays, 07:30 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No waste bins shall be stored in front of the property on Regent Road and shall be kept within the site behind the gates.