



Appeal Decision

Site visit made on 30 September 2019

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/X2410/W/19/3232987

59 Ashleigh Drive, Loughborough LE11 3HN

- 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 Messers Rafaele Roberto Russo and Roy France against the decision of Charnwood Borough Council.
 - The application Ref P/19/0574/2, dated 12 March 2019, was refused by notice dated 24 June 2019.
 - The development proposed is 'two storey extensions and alterations to dwelling and conversion into 5 studio flats (Class C3)'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Messers Rafaele Roberto Russo and Roy France against Charnwood Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development provided by the application form has been updated in subsequent documents. I have adopted the description of development provided by the appeal form accordingly as it reflects the proposal before me.

Main Issues

4. The main issues of this appeal are:
 - The effect on the character and appearance of the area, including regard to the living conditions of occupiers of neighbouring properties;
 - Whether the proposal would provide for a satisfactory living environment for future residents, with particular regard to Flat 5, and;
 - The effect on local parking arrangements, including highway safety.

Reasons

Character and appearance

5. No 59 Ashleigh Drive (No 59) lies within a residential street and comprises a two-storey detached dwelling with a rendered façade and a red tiled hipped roof. At the time of my visit, the frontage of the property was screened by

construction fencing and a single storey rear extension and side garage as shown on the existing plans had been removed. The property also had signs of disrepair and the rear garden was significantly overgrown.

6. The site lies close to the junction with Margaret Keay Road which runs through the adjoining Loughborough University campus. A set of barriers located at the front of the property, beyond a double width access that serves the appeal site, provides restrictions upon vehicular access to and from Margaret Keay Road, which together with dense landscaping along the shared boundary provides a transition between the different characters of the residential setting and the University campus. The residential properties to the opposite side of the site on Ashleigh Drive are of a different character consisting of a distinctive rhythm of two storey semi-detached properties with hipped roofs that mainly display a consistency of architectural style, form, proportions, materials and detailing with an overall scale and massing that is considerably wider than No 59. The semi-detached pairs also have a noticeable stepping of front building lines which follows the alignment of Ashleigh Drive as it splays away from No 59 prior to the junction with Charley Drive. As a result, the appeal property is largely screened when approaching along Ashleigh Drive due to the set back of its front building line and the resultant screening arising from the position of Nos. 55 and 57. Consequently, when taken together with the greater variety of property styles and types on the opposite side of the road which includes a mix of two storey detached and semi-detached properties and bungalows, there is an opportunity for a building with a differing design to assimilate appropriately within the character and appearance of the street scene.
7. The proposal includes two storey extensions and associated alterations to the roof and at ground floor level to convert the dwelling into 5 studio flats. The resultant building would have an increased footprint with distinctive gable outrigging features and a symmetry of scale, massing and proportions afforded by the hipped roof form and the width of façade to either side of the gables. The fenestration and detailing of the front elevation when viewed from the street would have a degree of symmetry and balance in terms of the pattern and proportion of windows, aside from a new porch in a similar position as the existing front doorway. The flat roofed section of the ground floor extension would be subservient despite it widening towards the rear of the property as it closely follows the irregular alignment of the boundary with landscaping that adjoins Margaret Keay Road.
8. With regard to the above, the extended and altered building as proposed would retain the significant set back position relative to the front building lines of Nos. 55 and 57 which would reduce its prominence within the street scene until in close proximity where it would be viewed against the backdrop of established landscaping and taller and larger buildings of differing character within the Loughborough University complex. From such viewpoints the broad consistency of the scale, massing, form, proportions, materials and detailing of the proposal would integrate appropriately with the varied style and appearance of other properties on each side of Ashleigh Drive, with the site not being perceived as cramped, overbearing, overdeveloped or at odds with the appearance of the street scene. In reaching that view, I observed that parking areas on hardstanding at the front of properties is a common feature and I am satisfied that the site would have sufficient space to store bins away from the highway frontage so as to reduce visual clutter.

9. Notwithstanding the above, the character of the area is also influenced by factors beyond matters of appearance and visual impact. The proposal would result in an increase of 4 units of accommodation within the site, with the evidence suggesting that two of the flats would be capable of being occupied as double bedspace units (Flat 1 and Flat 5) with the other three flats being suitable for only single occupancy. The proposal, therefore, would likely accommodate up to 7 residents given the number of bedspaces to be provided within the 5 flats, which of itself is not a considerable increase in the occupancy of the building when compared with a family dwelling house (Class C3) comprising a single household of not more than 6 residents. However, in that respect, the flats could be occupied by individuals and/or as separate households and inevitably would lead to a greater number of residents leading independent lives from one another than residents living as a single household where activities are more likely to be carried out together.
10. To my mind, such a distinction between a change in activity associated with independent living is recognised in the Article 4 Direction that is in place in Loughborough which restricts changes, without the need for planning permission, for dwellings to be occupied by more than 2 unrelated persons living as a single household. In that respect, whilst the proposal is for self-contained flats rather than a house in multiple occupation (HMO), it is reasonable that the activity associated with flats with up to 7 residents with independent lives and routines would lead to more intensive levels of activity, including comings and goings and other persons visiting, than otherwise would occur through occupation of the property as a family dwelling.
11. Based upon the evidence before me and observations during my visit, it is evident that whilst self-contained flats are not a common occurrence in the local area, Ashleigh Drive and the surrounding residential streets have a significant concentration of HMOs and student accommodation given the close proximity to Loughborough University. In that respect, the findings of a previous Inspector relating to an appeal for a change of use to a HMO at No 39 Ashleigh Drive¹ has been drawn to my attention where concerns were expressed in terms of the cumulative effect of such accommodation in multiple occupancy upon the character of the area and the creation of an imbalance in the make up of the local community with detriment to wellbeing. The previous appeal at No 39 Ashleigh Drive related to a different proposal for a HMO. Nonetheless, the evidence before me, including representations from residents of Ashleigh Drive and a residents group, suggests that the significant concentration of non-family housing nearby, including those occupied as HMOs or by students, has resulted in local residents experiencing problems of noise and disturbance. The harm identified includes noise and disturbance during the evenings and late at night when access to the Loughborough University complex is otherwise restricted and a quieter living environment could reasonably be expected, together with associated inconvenience in terms of the availability of on-street parking and some instances of anti-social behaviour.
12. The proposed flats would be capable of being occupied by non-student households, despite the evidence before me indicating that they have been marketed towards students and the proximity to the University complex reasonably making the location attractive for prospective student occupants. However, even if the accommodation were to be occupied by non-student

¹ Appeal Ref: APP/X2410/W/15/3141562

households, it is reasonable that there would be increased levels of external activity at the property and movements both on foot and by car arising from the intensification of residential accommodation proposed within the site. To my mind, the potential increase in comings and goings to the property, when taken together with the presence of the nearby University complex, HMOs and other student accommodation in the vicinity, would unacceptably add to the existing levels of noise, disturbance and inconvenience experienced by local residents which would be detrimental to the living conditions of occupiers of neighbouring properties and the character of the area. The proposal, therefore, would be an over-intensive use of the appeal site in its particular surroundings.

13. In reaching the above findings, I have taken into account that the Council's Environmental Health Section offered no objection and its Community Safety Unit reported no anti-social behaviour complaints in the streets surrounding the site in the 12 months before the Council made its decision. Furthermore, the appellant has drawn my attention to the presence of University procedures that intend to reduce instances of anti-social behaviour and that the property would be subject to a neighbour complaints policy. However, such arrangements would not overcome my wider concerns relating to the increased external activity resulting from comings and goings and associated noise and disturbance that would be experienced by local residents due to the more intensive use of the site, whether the flats are occupied by students or not, when taken together with HMOs and other student accommodation nearby.
14. I have also taken into account that the extended building of itself would not harm the living conditions of occupiers of No 57 in terms of light, outlook or privacy, given the separation distances to habitable windows and the inclusion of only a non-habitable window in the facing side elevation which could be obscure glazed by condition. The other surrounding properties are more distant and also would not be affected in those regards. However, the absence of concern in relation to those matters and relative to the requirements of extensions in Saved Policy H/17 of the Borough of Charnwood Local Plan 1991-2006 (LP), adopted January 2004, does not override the harm I have otherwise identified. In addition, I acknowledge that there would be benefits to the existing appearance of the site given its neglected condition. However, the weight I can afford to such benefits is limited given that there is no evidence before me that refurbishment of the site and repair of the property would be incapable of being achieved by means other than its conversion to flats.
15. Having regard to all of the above, I conclude that the development would harm the character of the area, with an associated effect upon the living conditions of occupiers of neighbouring properties. The proposal, therefore, conflicts with Policy CS2 of the Charnwood Local Plan 2011 - 2018 Core Strategy (CS), adopted November 2015, and Saved Policy EV/1 of the LP in those respects. The policies, when taken together and amongst other things, require that new developments respect and enhance the local environment and character of the area including in terms of density, protect the amenity of people who live or work nearby and function well and add to the quality of the area. The policies are consistent with the National Planning Policy Framework (the Framework) in terms of its design objectives and in so far as it seeks to achieve appropriate densities, well-designed places and seeks a high standard of amenity for existing and future users of places.

Living environment - future residents

16. Based upon the evidence before me, each of the proposed flats would have a satisfactory internal living space for the accommodation sought and within individual rooms, whether for dual occupancy in Studio Flats 1 and 5, or single occupancy in Studio Flats 2, 3 and 4. During my visit, I also observed that the rear garden would be of a sufficient size to provide adequate communal external amenity space to meet the needs of future residents. I am also satisfied that the internal layout of the property would ensure that main living areas would be located away from the bedroom areas above and below so as to reduce the potential for noise and disturbance between the flats internally. The Council, however, have expressed specific concerns with respect to Studio Flat 5 at second floor level within the roofspace insofar as it would be reliant upon rooflights as its light source with outlook limited in the absence of windows to serve the rooms. In that respect, I also note that before the decision was made, in seeking to address previous concerns of the Council, the proposal had been revised in drawing no. 1901-03 Rev A to remove dormer windows included in a different roof form within the superseded plans.
17. With regard to the proposal before me, the large roof lights in a crown section of the roof would ensure adequate light provision and opportunities for ventilation of the main open plan living area of Studio Flat 5. However, due to their position above that room they would offer limited outlook to those spaces that otherwise are not served by any openings in the roofslopes. Consequently, to my mind, those spaces which include the main bedroom area would have little outlook and would result in an uncomfortable and contrived habitable space that would not provide a satisfactory living environment for its future occupiers. In that respect, I have noted that a dressing room and shower room/WC at each end of Studio Flat 5 would be served by rooflights within roofslopes that could offer light and ventilation, together with some outlook towards Margaret Keay Road and the Loughborough University complex above existing landscaping. However, the presence of those rooflights in recessed rooms relative to the main living area would not overcome the unsuitable living environment for future residents that I have identified.
18. In reaching the above findings, I have taken account of an appeal decision drawn to my attention by the appellant which involved a flat conversion scheme in Newcastle upon Tyne² where planning permission was granted for a development that failed to provide natural light and outlook for a kitchen area and living space at first floor level or outlook at second floor level. The Inspector in that case considered that such arrangements would not render its future occupation as wholly unacceptable. Furthermore, I am mindful that there would inevitably be examples of roofspace conversions elsewhere which rely upon only rooflights to serve living areas and bedrooms. Nonetheless, to my mind, the proposal before me should be considered on its own merits with respect to the particular circumstances of the living environment for future residents and the policy requirements relating to high quality design for new development. In that regard, the presence of what I would consider to be substandard living accommodation elsewhere should not be seen as setting a precedent for the substandard and unsatisfactory living environment that would arise from the proposal for occupiers of Studio Flat 5.

² Appeal Ref: APP/M4510/W/18/3203995 - 128 Shields Road, Newcastle upon Tyne NE6 1DS
- Allowed and Planning Permission Granted - 26 September 2018

19. I conclude that the proposal would not provide for a satisfactory living environment for future occupiers, with particular regard to Studio Flat 5 within the second floor / roofspace. The proposal, therefore, conflicts with Policy CS2 of the CS in so far as it seeks high quality design including in terms of the amenity of those people who will live in the new development. The policy is consistent with the objectives of the Framework in that respect.

Local parking arrangements

20. The proposal would utilise the existing access to the property from Ashleigh Drive. I observed that the access lies close to the barriers for vehicles entering and leaving the Loughborough University complex and the pedestrian gates on the adjoining footway which are in use between 0600 - 2230 hours daily based on the signage at the time of my visit, with access otherwise restricted at other times. In the absence of a turning area within the site, there would be some reversing manoeuvres taking place in very close proximity to the entrance and exit of the University complex by vehicles and pedestrians which I observed to be in frequent use during my visit and therefore, could result in a risk of accidents albeit at low speeds. Nonetheless, those arrangements are well established with no evidence of accidents having occurred. Furthermore, the existing hardstanding at the front and the associated driveway, together with the garage recently demolished, could have previously accommodated more than the three off-street parking spaces proposed. I, therefore, find no harm to highway or pedestrian safety should the existing access be used for off-street parking for the proposal.
21. Notwithstanding the above, Saved Policy TR/18 of the LP in accordance with its Appendix 1 recommends a provision of 1.5 spaces per flat which the development would not achieve. However, Saved Policy TR/18 clearly states that it is a starting point in assessing the level of provision and represents the maximum level. In that regard, I have taken into account that the site is an accessible location with alternatives to use of a private car, particularly given its proximity to Loughborough University should the flats be occupied by students. Furthermore, the site would be capable of providing suitable cycle parking and there is evidence that average levels of car ownership per occupant may be lower than 1.5 spaces, with suggestions that student car ownership in particular is typically much less. Nonetheless, there is no suggestion of a mechanism by which car ownership of future occupiers of the flats could reasonably be restricted and therefore, I consider that it is likely that there could be limited increases in demand for on-street parking.
22. In terms of existing parking conditions along Ashleigh Drive, I observed that the frontage of the property is unsuitable for on-street parking due to the proximity to the exit barrier serving the Loughborough University complex. Furthermore, there are parking restrictions along the length of the opposite side of the road between 0800 - 1800 hours on Mondays to Friday to presumably allow two way access along Ashfield Drive during peak periods of traffic entering and exiting the University complex. As a consequence, available on-street parking is restricted during the day to the sporadic sections along the northern side of Ashfield Drive in locations where dropped kerbs and open frontages are not present, with signage indicating no University parking as is also the case on the immediately surrounding streets.

23. I observed a high take up of on-street spaces albeit with some limited availability relative to the restricted capacity for on-street parking along Ashfield Drive during the daytime of a weekday. Whilst my visit reflected only a snapshot of time, I have no reason to consider that it would not be typical of parking conditions generally experienced during a weekday when the parking restrictions on the southern side of the road are in effect.
24. With regard to the above, as I observed some availability of parking spaces along the street during a period subject to the heaviest restrictions, I am satisfied that any limited increases in traffic and parking could be accommodated with no harm to highway safety. In reaching that view, I have taken into account that additional demand for on-street parking from residents of and visitors to Ashfield Drive during weekends, evenings and overnight would not be subject to the restrictions on its southern side. Whilst additional on-street parking arising from the development could have the possibility of displacing some existing parking close to the site to locations further along the street, such circumstances are factors which may contribute to inconvenience for occupiers of existing properties in terms of their living conditions as previously mentioned rather than having an adverse impact on local highway conditions or highway safety. In any case, to my mind, of itself and on balance, such parking situations do not reflect harm to local amenities in so far as planning permission could be withheld specifically on that basis.
25. I conclude that the proposal would not harm local parking arrangements, including highway safety. The proposal, therefore, would not conflict with Policy TR/18 of the LP or the Framework in that respect.

Other Matters

26. The development would make a positive contribution to housing supply in an accessible location. There would also be associated benefits including the opportunity to provide a more adaptable and energy efficient building, with support for local services and temporary economic benefits during construction. However, those benefits are limited by the scale of development proposed.
27. I have taken into account that the decision made by the Council overturned an officer recommendation. However, such matters are not an influential factor upon the assessment of the proposal which I have necessarily considered on its own merits relative to the totality of evidence before me.

Conclusion

28. I have found no harm in terms of local parking arrangements, including highway safety. However, the absence of harm and limited benefits associated with the contribution to housing supply are outweighed by the harm to the character of the area, including the effect on the living conditions of neighbouring properties, and the unsatisfactory living environment for future occupiers of Studio Flat 5, which reflect conflict with the development plan and the Framework that is significant and overriding.
29. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR