The Planning Inspectorate

Appeal Decision

Site visit made on 4 August 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2020

Appeal Ref: APP/W2465/W/20/3251396
3-5 Tuxford Road, Leicester LE4 9TZ

- 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 K Landers (Firmain Estates Ltd) against the decision of Leicester City Council.
- The application Ref 20191044, dated 31 May 2019, was refused by notice dated 28 October 2019.
- The development proposed is office development B1(a).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether the proposed development would be appropriately located, having regard to planning policies that seek to manage the location of office development; and

   - the effect of the proposed development on the character and appearance of the area.

Reasons

Existing use

3. The appeal site is located towards the middle of Tuxford Road, a small road in an employment estate. The proposed development would be a 2 storey wedge shaped office building constructed of brick, with a shallow pitched roof.

4. Policy CS10 of the Leicester Core Strategy (CS) (2014) states that small offices will be allowed between 100 and 1,000 sqm, outside the City Centre in local and district centres, or where they extend existing offices or where they are part of a mixed use scheme.

5. The proposal would also not be located within a local or district centre. Furthermore, the proposal would not be an extension of an existing office or part of a mixed use scheme. As such it conflicts with the requirements of the Policy which would undermine the Council's employment strategy for the area.

6. My attention has been drawn to Saved Policy E02 of the City of Leicester Local Plan (LP) (2006) and the Employment Land Supplementary Planning Document (ELSPD) (2007), which permit B1 (except major office development), B2 and B8 uses within Key Employment Areas. However, these documents are still extant, and the proposal would be for a B1 use in a Key Employment Area, Policy CS10 of the CS provides a more up-to-date and specific requirement for the delivery of B1(a) uses and where they should be located.

7. I note the appellant's claim that the size and shape of the land constrains what uses could be delivered on the development and that it could boost the integrity of the employment area. The appellant also states that there is a restrictive covenant on the land, restricting its use to offices and that there is no potential alternative use that could viably be carried out. However, I have not been provided with substantive evidence to support this claim, therefore, I only afford this little weight. I acknowledge that the proposed development could provide employment opportunities and that the shape and size would limit the design of the end development, nevertheless, these factors do not overcome the conflict I have identified above.

8. The proposed development would not be appropriately located, having regard to planning policies that seek to manage the location of office development. Therefore, it would be contrary to Policy CS10 of the Core Strategy (2014). This Policy, amongst other things, sets out the criteria for the location of new office development.

Character and appearance

9. The appeal site is an area of scrubland with mature trees located at the rear of the site. To the south west of the appeal site there is a small turning area in the road which abuts the adjacent unit. The proposed development would fill the site and the western elevation of the proposed building would abut the rear of the existing unit. The proposed development would front onto Tuxford Road, which would have the main entrance to the unit and it would have large windows at ground and first floor.

10. The constraints of the site in terms of its size and shape would mean that the building would be an irregular shape in comparison to the surrounding buildings. As the units next to the site front onto other roads, it would not have any relationship with these units and would sit forward of the nearest part of the adjacent building to the west and the east.

11. Whilst I note that the appellant has sought to create a development that is sympathetic of its surroundings, which takes account of its context and reflects some of the styles found within the estate, such as large glass windows and parking to the front, the overall design would still make it appear as a prominent structure within the street scene. The positioning and design of the units on the other side of Tuxford Road have a more direct relationship with the road due to their positioning and orientation, when compared to the units adjacent to the proposal. The height, design, shape and positioning of the proposal would not relate well to the existing buildings nearby and it would appear as an incongruous and stark feature within the street scene.

12. The appellant has suggested that there are numerous examples across the employment area where building lines have not been adhered to, including the

developments on the other side of Tuxford Road, and that such a requirement is not set out within the ELSPD.

13. Whilst I note that the existing buildings are not uniform in their positioning, as one is set further back from the road, this is a much larger unit, and its set back allows for landscaping and car parking to the front of the site and the overall building and layout is similar to other nearby units on the adjacent roads. I have not been provided with other examples across the estate, therefore, I am unable to determine how many other examples exist or if they are directly comparable. In any case, each site must be determined on its own merits and within its own context and the building line is just one element of the overall design and its effect on the character and appearance.

14. I acknowledge that the appellant has suggested that the proposal would be of an innovative design, reflecting the constraints of the appeal site and would help raise the standard of design in the local area and would offer significant visual benefits for the street scene and that the nearby buildings within the employment estate have little architectural merit. However, for the reasons set out above, I consider that the proposal would not be visually attractive, nor would it add to the overall quality of the area.

15. In terms of the landscaping, the Council has advised that the appeal site was originally part of the landscaped area for 140 Waterside Road to screen the servicing and parking area at the side of the premises. However, the appellant has stated that the appeal site has never been part of any formal landscaped area, nor has it been retained to provide any amenity benefit to the employment area.

16. I note that the area of landscaping at the adjacent site would remain as these are outside the site boundary. Furthermore, the nature and appearance of the site did not appear to be offering any amenity value for the employment estate or be in use as such, and I have not been provided with evidence to suggest it is a formalised area of landscaping. Therefore, it would accord with Policy UD06 of the CS and there would be no harm in this regard.

17. Whilst I have not identified harm in terms of the effect of the proposal on the landscaping, I have identified harm on the overall effect of the proposed development on the character and appearance of the site and surrounding area. Therefore, it would be contrary to Policy CS03 of the CS and Paragraphs 127 and 130 of the National Planning Policy Framework. These Policies, amongst other things, require development to contribute positively to the character and appearance of the local built environment and respond positively the surroundings and be appropriate to the local setting and context.

Other Matters

18. I acknowledge that the proposal could provide employment for an equivalent of 7 full time staff and that the proposed development would make use of suitable brownfield land, and it would be an opportunity to remediate land that can be described as being despoiled, degraded and derelict which I give moderate weight to. However, these considerations do not outweigh the harm arising from the conflict with the development plan, that I have found would occur as a result of the development proposed which I give substantial weight to.

Conclusion

19. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR