



Appeal Decision

Site Visit made on 2 November 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/W2465/W/21/3280020

113 Mountcastle Road, Leicester LE3 2BX

- 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 R Taylor of Mallory (Leicester) Ltd against the decision of Leicester City Council.
 - The application Ref 20210525, dated 4 March 2021, was refused by notice dated 8 June 2021.
 - The development proposed is 3no. self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the development on the character and appearance of the area; and
 - ii) whether the proposal would provide satisfactory living conditions for its future occupiers with respect to the provision of outdoor amenity space and the outlook from, and living environment in, flat 3.

Reasons

Character and appearance

3. The site is located on the corner of Mountcastle Road and Lambert Road. Both these roads are strongly characterised by long rows of terraced houses, as is the wider area. Although there are some small variations in the detailed design of some houses, there is a strong sense of consistency overall not least in terms of the rhythm provided by doors and windows and the height of the terraces.
4. Access to the flats would be from Lambert Road and from a gate to the side of No 113. As a result, the elevation facing Mountcastle Road would not contain any doors. This would contrast starkly with the nearby houses on Mountcastle Road which all have doors onto the road providing a characteristic rhythm. In addition the proposed first floor windows on this elevation would be materially shorter than those of the neighbouring houses which, in the main, reach to within a few brick courses of the eaves. These departures from the established consistency would result in the proposal appearing incongruous in its context, and the provision of matching details such as bay window features, brick quoins and render at first floor level would not mitigate that.

5. From Lambert Road, the side and rear elevations would be visible. The eaves of the rear wall would be almost as high as the ridge of the pitched roof and would be substantially higher than the eaves of surrounding development. This excessive height would be emphasised by the windows arranged over three floors. Although some of the rear elevation would be obscured by the two-storey dwelling at No. 9 Lambert Road, the development's projection further forward than that house, and above its roof slope, would mean that a significant proportion of it would be clearly visible in the street scene. From there, it would appear as an excessively large mass contrasting starkly and harmfully with the traditional two-storey houses that prevail in the area. It would also not compare favourably with other examples nearby of development at second floor level which are roof extensions at individual houses and are of a much smaller scale than the proposal.
6. The development would represent an improvement on the existing garages that occupy the site which appear tired. Nonetheless, the proposal would detract from the character and appearance of the area. It would therefore conflict with policy 3 of the Leicester Core Strategy which states that new development should contribute positively to an area's character and appearance.

Living conditions

7. The development would provide a triangular shaped area of amenity space to its rear. Flat 1 would have its own part and flats 2 and 3 would share a part. The quantity of space meets the requirements of the Council's Residential Amenity Supplementary Planning Document. However the space would be between the three storey rear wall of the development and the 2½ storey gable wall of No 9 Lambert Road and at its narrowest point would be less than a metre wide. Indeed, the space to be shared by flats 2 and 3 would only be roughly 2.5m wide at its widest. This space would merely provide space for bin storage and possibly cycle storage and would be so overdominated by built form that it would most likely be of no other benefit to the occupiers of these two flats, such as for outside play or siting out. To that end, however, its use for bin and cycle storage would not compromise the privacy of the occupiers of the ground floor flat and any noise generated would be fleeting and not excessive. I also have no reason to consider the gate access would be insufficiently narrow to be practical.
8. Turning to flat 3, the officer's report refers to the Council's corporate guidance in 'Achieving Well Designed Homes'. This incorporates the Nationally Described Space Standards (NDSS), which advises that 2-bedroom flats over a single floor, should be at least 61m² in area with at least 75% of that space having a headroom greater than 2.3m. Although this corporate guidance does not appear to be adopted planning guidance, and the development plan does not refer to the NDSS, I have had some regard to it.
9. Flat 3 would be within the roof of the building. It would have a floor area of 60m². Also, less than 75% would have a headroom greater than 2.3m as the plans show 75% of this space would have a headroom of only 1.8m or more. The appellant advises that the areas with less headroom than 1.8m would be used for storage, however in all three rooms with sloping ceilings this space is where the windows would be sited so it is likely that much of this space would need to remain open to allow light to penetrate the rooms. I consider therefore

that the flat would be limited in size and much of it would have a limited headroom.

10. In addition, the rooflights serving the bedrooms and the lounge in this flat would be sited towards the bottom of the roofslope. This means that they would be below the eyeline for most adults when stood up. As such the outlook from the flat would be limited.
11. Overall, due to the poor quality outdoor amenity space for flats 2 and 3, the poor living environment of flat 3 and limited outlook from that flat, the development would fail to provide acceptable living conditions for its occupiers. It therefore would not accord with policies PS10 and H07 of the City of Leicester Local Plan which aim to ensure residents have a satisfactory living environment, including in terms of light and satisfactory communal open space. It would also conflict with Core Strategy policies 3 and 6 which generally aim to provide good quality development.

Other Matters

12. The Council accept that they do not have a five year supply of housing. The appellant has stated that they have only 3.6 years supply, which the Council do not dispute. This is a moderate shortfall. Paragraph 11 (d) ii. of the National Planning Policy Framework therefore applies. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
13. The Framework advises that the creation of high-quality buildings and places is fundamental to what the planning process should achieve. It also states that developments should be sympathetic to local character and provide a high standard of amenity of future users. Paragraph 219 of the Framework is clear that the weight to be given to local policies depends on their consistency with the Framework. As such, even taking account of the objective of significantly boosting the supply of housing, making a more effective use of brownfield sites and the Council's housing land supply position, the conflict between the proposal and policies PS10 and H07 and Core Strategy policies 3 and 6 should be given significant weight as the policies are generally consistent with the Framework. Set against the harm is the modest benefit of providing three additional units, and a slight visual benefit of removing the existing garages.
14. The adverse impacts on the character and appearance of the area and the failure to provide satisfactory living conditions for its future occupiers, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this. Therefore, for the reasons given, the appeal is dismissed.

Andrew Owen

INSPECTOR