



Appeal Decision

Site visit made on 23 November 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/W2465/W/21/3274727

17 Stretton Road, Leicester LE3 6BL

- 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 Mrs Suzi Walker, Kedron Properties Ltd against the decision of Leicester City Council.
 - The application Ref 20201141, dated 26 June 2020, was refused by notice dated 18 February 2021.
 - The development proposed is change of use from a 6-person HMO (Use Class C4) to a 7-person HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Suzi Walker, Kedron Properties Ltd against Leicester City Council. This application is the subject of a separate decision.

Preliminary Matter

3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.

Main Issue

4. The main issue is whether the proposal would provide an acceptable standard of living conditions for future occupants, with particular regard to outlook, natural light, private amenity and communal space.

Reasons

5. The appeal site is a three-storey terraced property located within a predominantly residential area. It is also within the West End Conservation Area (CA) which is covered by an Article 4 Direction. The property is currently in use as a House in Multiple Occupation (HMO) for 6-persons and has been maintained to a high standard.
6. The proposal would result in changes to the internal configuration including the ground floor bedroom to a communal lounge, a bedroom to the front on the first-floor being a double and the change of the second-floor storeroom to an additional bedroom. In total there would be 6 bedrooms, serving 7 occupants which would be spread across the upper floors of the property. There are no

concerns raised with the use of the first-floor bedroom becoming double occupancy, I have no reason to disagree with this assessment.

7. Although, the second-floor bedroom (storeroom) would meet the space standards for bedroom size (NDSS)¹, it would only be served by 1 narrow window. Due to the angle of the low ceiling and the position of the window sat between this, it would result in a cramped, tunnelling effect and restricted outlook and direct views would only be upon the roofscape of adjacent properties. Therefore, for any future occupier of the bedroom, it would not be adequate.
8. Furthermore, given that there would be only 1 narrow window, angled at a higher position in between the lower ceiling serving the habitable bedroom, natural light would be restricted. It would likely be that any future occupier of this bedroom would spend the majority of their time within that room. As such, the lack of natural light, particularly in the early mornings or evenings would result in inadequate and unacceptable conditions that would be detrimental to their health and wellbeing. Thus, in the absence of adequate natural light, there would be harm to the living conditions of any future occupant of this bedroom.
9. In terms of the ground floor outside amenity space, as I observed at the time of the site visit. This was of sufficient size with a patio area that wrapped around the extension and was served by both a patio door and single doorway from the property. Enclosed privately and had a long-gated ginnel along the side elevation, which could adequately store bikes or bins without using the rear garden area.
10. It was also typical of other terraced properties in the immediate area. A planted area was underused which could also be adapted to provide a more attractive and larger area for occupant utilisation. Although, the Residential Amenity supplementary planning document, 2008 (SPD) suggests that developments of mews, town houses and terraces within the central area should provide at least 50sq metres of private amenity space. I have not been provided with any substantive evidence in terms of the minimum size required for outdoor private amenity space for an HMO that would be acceptable in this case from the Council.
11. The existing dining area and lounge are open plan served by a large opening of patio doors within the dining room. Given the layout of this existing lounge area and that a further lounge area, with a large bay window would be incorporated in the proposal this would be more than sufficient to serve the needs of 7 occupiers. Although, the existing lounge would only be served by natural light coming from the dining area, I would expect that occupants would only use this area to relax and watch television instead of looking out of windows. I find that this communal space would, therefore be adequate.
12. Despite, the internal and external communal amenity areas on the ground floor meeting minimum or exceeding size requirements and floor area being acceptable. This does not compensate or outweigh the inadequate internal living space in regard to outlook and natural light for the second-floor bedroom.

¹ Technical housing standards – nationally described space standard, 2015

13. I acknowledge that the property is currently in use as a 6-persons HMO at present, and I have no evidence to the contrary. However, the existing situation is not ideal in regard to natural light and outlook from the smaller bedrooms currently serving occupants. I also note the appellant has indicated that bedroom 5 is a sub-optimal arrangement. Therefore, the proposal would exacerbate this situation, particularly in regard to the conversion of the storeroom into a further bedroom.
14. For the reasons given above, I conclude that the proposal would not provide an acceptable standard of living conditions for all its occupants, with particular regard to outlook and natural light. The proposal would be contrary to Policy CS03 and CS06 of the Leicester City local development framework, Core Strategy 2014 and Policy PS10 of the City of Leicester Local Plan 1996-2016, 2006. Taken together these policies expect high quality, well designed developments, specific consideration given to the size and location including the amount of private amenity space and factors concerning the amenity of existing or proposed residents, which includes light.
15. It would also conflict with the SPD guidance principles for all areas, relating to light (page 10) and insofar the SPD relates to privacy/outlook for residential development.
16. Moreover, it would be in conflict with the Framework, paragraph 130 (f), in that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

17. The appellant's evidence relies heavily on the assumption that it meets the NDSS, however this document is not without caveats. Including that relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval, if a local authority has adopted the space standard in its Local Plan. Neither does it imply actual occupancy, and from the evidence before me the Council has not adopted this document or policy and it is not mandatory to do so.
18. A local resident has raised concerns over the increase of parking, litter, social imbalance, overcrowding and unregulated landlords. I have no substantive evidence to support these concerns and the Council did not raise the issue of highway safety as a reason for refusal.
19. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Act), to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA is characterised by primarily medium to high rise terraced houses with identical features of architectural detail including projecting bays, roof form, and small front enclosed gardens with low boundary treatments. The proposal would not alter this character and there would be no external alterations to the building. I therefore find that it would preserve the character and appearance of the CA.
20. I recognise the appeal proposal would have benefits with regard to contributing to additional housing in the Borough and the contribution additional future occupiers of the HMO would make to the local economy, albeit small. I

acknowledge the importance of meeting the needs of groups with specific housing requirements and the location is within access to public transport links and within walking distance of local amenities.

21. These matters, however, do not outweigh my findings in respect to the harm to living conditions of future occupiers of the HMO nor the conflict I have found with the development plan read as a whole.

Conclusion

22. The proposal would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

KA Taylor

INSPECTOR