



Appeal Decision

Site visit made on 9 March 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/W2465/W/21/3282571

2 Roseneath Avenue, Leicester LE4 7GR

- 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 Parmar against the decision of Leicester City Council.
 - The application Ref 20211593, dated 24 June 2021, was refused by notice dated 9 September 2021.
 - The development proposed is change of use into 3 flats with associated alterations (Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for change of use into 3 flats with associated alterations (Class C3) at 2 Roseneath Avenue, Leicester, LE4 7GR in accordance with the terms of the application, Ref 20211593, dated 24 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 2RA-A0-001 Rev A.
 - 3) No part of the development shall be occupied until space has been laid out within the site for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.

Preliminary Matters

2. Although the appeal was submitted on the basis that the Council had failed to make a decision within the prescribed period, from the evidence before me it appears the Council did issue their decision shortly before the appeal was lodged. I have therefore considered the appeal on this basis.
3. The Council's decision letter states that their decision was based on drawing No. 2RA-A0-001. This plan was submitted with the appeal, with drawing No. 2RA-A0-001 Rev A. The alterations shown in revision A comprise a revised layout of flats 1 and 2 with the kitchens swapped with the bedspaces, single beds annotated instead of double beds and the removal of parking in the rear garden. Although the Council have had the opportunity to comment on this amended plan, neighbouring residents have not. However, the plan does not substantially alter the scheme so I have accepted it as I consider neighbouring occupiers would not be prejudiced by the changes.

Main Issues

4. The main issues are whether the development would provide satisfactory living conditions for its future occupiers with respect to their outlook, privacy and living space and the effect of the proposal on highway safety.

Reasons

Living conditions

5. Flats 1 and 2 would be at ground floor level. The bedspace for flat 1 would have windows facing the close-boarded fence along the side boundary of the site. However, due to the slightly raised floor level of the building compared to the fence, a view over it is possible from within the building and at my site visit the space in front of this south facing window was very well lit by natural light.
6. The outlook from the kitchen window at flat two would be towards the rear amenity space at the site. Although the view would be framed by the close boarded fence to the right and the side wall of flat 1 to the left, I saw that the outlook would remain satisfactory, especially so if the outbuildings at the site are removed, as indicated on the plans.
7. In terms of privacy, the occupants of the other flats may pass the bedroom window of flat 1 to access the amenity space and cycle parking to the rear, and the amenity space itself would be in front of the kitchen windows of both ground floor flats. However, it is not uncommon in flatted development for communal areas to be directly in front of habitable rooms. Any loss of privacy would therefore not be unacceptable.
8. Flat 3 would be at first floor level with storage in the roof space. In total the floorspace for this flat would total 53.7m², or 38.2m² excluding the storage space, as shown on the plans. The Council's space standards as set out in their Corporate Guidance: Achieving Well Designed Homes reflect the nationally described space standards (NDSS). Although the NDSS can only be formerly applied if development plan policies refer to the NDSS (the ones provided to me do not), the contents of the Corporate Guidance can be given some weight. In any case, saved policy H07 of the City of Leicester Local Plan (2006) (the 'Local Plan') requires development to provide a satisfactory living environment,
9. The Council state that the development would not meet the required 50m² for a two person one bedroom flat as set out in the Corporate Guidance. However, the amended plan shows the flat to be only a one person flat, and I must consider the proposal as shown on the plans. As a single person flat, it meets the 37m² minimum floor area as set out in the Corporate Guidance.
10. In summary, the development would provide sufficient outlook and privacy for the future occupiers of flats 1 and 2, and the size of flat 3 allows for an acceptable amount of living space. As such the development as a whole would provide satisfactory living conditions for its future occupiers. It therefore would accord with policy H07 as set out above, and Local Plan policy PS10 which aims to ensure the amenity of proposed residents will be maintained in terms of, among other things privacy and light. It would also, generally, accord with policy CS 3 of the Core Strategy (2014) which seeks to ensure quality developments.

Highway safety

11. The Council advise that their parking standards require one parking space per flat. The plans show space for two cars at the front of the house. There is also a gated vehicular access at the rear of the site leading onto Wyvern Avenue. This is served by a dropped kerb which also provides access to a gated vehicular access at the adjacent dwelling to the rear on Strathmore Avenue.
12. From the wording of Local Plan policy AM12, the parking standards appear to be maximum standards and the policy goes on to state that reductions below the maximum standards may be appropriate in locations within 250m of good public transport. There is a bus stop directly beside the site which was busy at the time of my visit. As such I consider the provision of two spaces to serve three single occupancy flats would be sufficient and therefore there is no need for additional car parking to be provided at the rear of the site.
13. Overall, the current amount of parking would be sufficient to serve three single person flats in this accessible location. Consequently, there would be no materially greater risk to highway safety. As such the proposal would accord with Local Plan policies AM01, which seeks to ensure pedestrians are protected from other highway users, and AM12 which requires development to provide parking in accordance with the standards. It would also comply with Core Strategy policies CS 15, which requires that parking is appropriate for the type of dwelling, and CS 14 which, from the summary provided in the officer report, seeks to ensure that development is easily accessible by all modes of transport.

Conditions

14. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the national Planning Practice Guidance.
15. I have attached the standard conditions relating to the commencement of the development and the approved plans in the interests of certainty. I have also attached a condition requiring the cycle parking is provided in order to support sustainable modes of transport.
16. I have not imposed the suggested conditions relating to street works or works to the footway crossing as no such works are proposed or necessary. I have also not attached the suggested conditions relating to the pedestrian visibility splay or the provision of a parking area at the rear because, as explained above, it is not necessary for this space to be used for parking. Such conditions would therefore be unnecessary.

Conclusion

17. The development accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

INSPECTOR