



Appeal Decision

Site visit made on 29 April 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/X2410/W/21/3288986

5A Gregory Street, Loughborough LE11 1AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr A Singh against Charnwood Borough Council.
- The application, Ref P/21/1375/2, is dated 7 June 2021.
- The development proposed is erection of a two storey rear extension, rear canopy (smoking area), rear outbuilding and alterations to boundary treatment; change of use of first floor and above into (Class C1) guest house.

Decision

1. The appeal is dismissed and planning permission for erection of a two storey rear extension, rear canopy (smoking area), rear outbuilding and alterations to boundary treatment; change of use of first floor and above into (Class C1) guest house, is refused.

Procedural Matters

2. The Council did not issue a decision on the appeal within the prescribed time limit. The Council indicated that it considered the application invalid upon receipt due to the incorrect certificate being completed. The appellant states that the site is within their sole ownership, the implication of this being that the signing of Certificate A was correct. The Council has not provided evidence to substantiate its position that the certificate was not correctly signed. Ultimately, I do not have firm evidence to conclude that the application was invalid. I have therefore proceeded to consider the planning merits of the proposal. In any event, my dismissal of the appeal means any other person who may have an interest in the land would not be prejudiced.
3. A canopy structure had been erected within the rear yard of the property, which appears to be that referred to in the description of development. No other works appeared to have been undertaken, and given that the application form indicates works have commenced, I infer that the canopy as built is that for which permission is sought, retrospectively. Nonetheless, for the avoidance of doubt, I have based my assessment primarily on the submitted plans.

Background and Main Issues

4. Having regard to the evidence before me, I consider that the main issue is the effect of the proposal on the character and appearance, and heritage significance, of the Leicester Road Conservation Area (LRCA).

Reasons

5. The appeal site stands at one end of a short terrace of red brick buildings on the southern side of Gregory Street. The building comprises a social club to the ground floor and a residential flat to the first floor. The appeal site lies within the LRCA, which is focused on the arterial route of Leicester Road and the short streets running perpendicular to it. The significance of the conservation area is indicated to stem from the historic and architectural importance of its surviving buildings, many linked to past industrial and commercial activity in the area, including workers' housing on Gregory Street, notably No 2 opposite the site which is Grade II listed.
6. The existing terrace features shallow two storey closet wings which sit below the main roof of each dwelling. The closet wing to the appeal site is slightly deeper than others in the terrace, but maintains the same general scale and shape. The proposed extension would span the full width of the building, incorporating the existing closet wing and creating a rear gable above it. The roof ridge of the extension would align with that of the main roof at some 9.3 metres in height. Four new windows would be inserted into the side elevation at first floor level, with a series of faux windows added to the rear elevation.
7. The height and massing of the proposed extension would be significantly greater than that of the adjoining dwellings in the terrace. The rear elevation is visible from Factory Street to the rear, from where the disproportionate size of the extension would be clearly visible. The combination of its height, full width massing and gable form would be in stark contrast to the subservient scale of the adjacent closet wings. The existing form of the building would also be subsumed by the extension, eroding any semblance of its original shape. Moreover, the proposed faux windows and indicated use of concrete tiles would be anomalous to the design and materials of the surrounding built form, and would further undermine the quality of the proposal.
8. I recognise that a pair of dwellings adjoining the opposite end of the terrace, Nos 10 and 11, have taller and deeper closet wings. However, these are taller buildings in general and the closet wings appear to be original elements, given their clear symmetry. These dwellings visibly differ in scale and form from the terrace of which the appeal building forms part, but in any event, the proposed extension would not reflect the size or design of these extensions either.
9. The scale of the extension would therefore detract from the surviving consistency of the terrace, and in extending to the scale proposed would create a substantial building that would fail to respect the historic and architectural significance of the building as a surviving example of a workers' dwelling.
10. The position and basic shape of the proposed canopy to the rear is shown on the submitted plans, but little detail of the design is provided. The structure constructed on site stands in the same position as on the plans, comprising a timber frame with plastic sheeting to the roof. The structure as built is inferior in quality, appearing as a temporary addition attached haphazardly to the building and side boundary wall. It is visible from Factory Street to the rear and forms a crude and incongruous structure that fails to reflect the standard of design and materials found within this part of the LRCA. As pointed out by the Council, the proposal to remove part of the rear wall to provide access would further expose the structure to view and add to its harmful visual effect.

11. The proposed detached garage would be located to the rear of the garden of Nos 6 and 7, owing to the L-shape of the appeal site. The Council did not oppose this part of the proposal, indicating that it would be largely screened by the existing rear boundary wall. I saw this area to be disused and overgrown, and it would be an expected location for an outbuilding. Therefore, I have no firm reasons to disagree with the Council in respect of this element of the proposal.
12. However, for the reasons set out, I conclude that the proposal would fail to preserve or enhance the character and appearance of the LRCA, and so would harm its heritage significance. This would conflict with Policies CS2 and CS14 of the Charnwood Local Plan 2011-2028 Core Strategy (November 2015) and Saved Policy EV/1 of the Borough of Charnwood Local Plan 1991-2006 (January 2004), which together require development to be of high quality design that respects and enhances the character of the area, having regard to factors including scale, massing, height and layout; and to protect heritage assets and their setting.
13. In this case, the harm to the heritage significance of the LRCA would be less than substantial, in the language of the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I return to this balancing exercise below.

Other Matters

14. The proposal would see the existing flat at first floor level, indicated to have four bedrooms on the plans but absent a living room, changed to a guest house comprising five en-suite bedrooms (three double and two single) with a shared kitchen and office. The Council does not oppose the principle of the change of use, referring to the central location of the site and the presence of other guest houses in the area. No development plan conflict is raised and I have no reasons to find differently to the Council in this matter.
15. The proposal includes the provision of an off-street parking space in the proposed garage at the rear of the site. No off-street parking exists at present, but having regard to the central location of the site and easy access to local bus services on Leicester Road, the Council did not consider the proposal would lead to indiscriminate parking on Gregory Street, or that the off-street space was crucial to the acceptability of the proposal. I do not disagree with this.
16. However, the Council queries the feasibility of access to the parking space, as the yard immediately behind the rear boundary wall is indicated to fall outside of the red line of the appeal site. I saw this area to be in use for parking and deliveries in respect of commercial uses on Moira Street, with signs for reserved parking spaces immediately behind the rear boundary wall of the site. I have no information which clarifies that the appellant would be able to create an access in this area, given it appears to cross third party land. However, given my findings on the main issue, and the Council's neutral position on the need for off-street parking to be provided, this is not a determinative matter and so I do not address it further.
17. The Council did not find harm in respect of neighbours' living conditions or the standard of accommodation which would be provided for those using the guest house. Whilst I have found harm with the design of the proposed extension, it

would be positioned such that the massing would not cause an overbearing effect on neighbouring properties. Moreover, the proposed windows would face toward the public realm on Moira Street, and would not lead to a harmful loss of privacy for nearby occupants.

18. I note concerns from nearby residents in respect of noise and smoke from the use of the premises as a social club. However, the Council accepts this is a lawful use and, aside from the proposed canopy facilitating outdoor activity during inclement weather, there is nothing within the proposal to suggest there would be a significant increase in the level of activity generated by the social club that would cause demonstrable harm to neighbours' living conditions.
19. I note the appellant's comments with respect to the conduct of the Council during the application and an indicated intention to recover costs. However, no formal application for costs appears to have been made, and therefore I have not taken this matter further. Whilst I understand the appellant's frustrations with the Council, its handling of the application is ultimately a matter for local government accountability and is not relevant to my considerations of the appeal, which I have determined solely on its planning merits.

Conclusion

20. The proposal would deliver economic benefits through the construction of the extension and through revenue generated by the guest house. However, given the scale of the proposal, these would be modest benefits attracting limited weight in favour of the proposal. The evidence before me does not indicate any other tangible public benefits. Therefore, the public benefits in this case would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight. As a result, the Framework indicates that this provides a clear reason for refusing the development proposed.
21. I have found that the proposal would result in conflict with the development plan, taken as a whole. No other material considerations exist that would outweigh the development plan conflict and justify granting planning permission in this case.
22. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR