



Appeal Decision

Site visit made on 3 May 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/W2465/W/21/3288996

37 Ridley Street, Leicester LE3 0QL

- 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 Singh against the decision of Leicester City Council.
 - The application Ref 20211757, dated 13 July 2021, was refused by notice dated 19 November 2021.
 - The development proposed is Change of use from house (2 bed) (Class C3) to two self-contained flats (1x1 bed and 1x2 bed) (Class C3); construction of dormers to front and rear; single storey extension to rear; alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development in the header above from the Decision Notice of the Council. I note that it was used by the appellant on the appeal form and describes the development accurately. I am satisfied that neither party is prejudiced by this course of action.

Main Issues

3. The main issues in this appeal are:-
 - The effect of the development on the living conditions of new residents.
 - The effect of the development on the living conditions of the occupiers of 35 Ridley Street.
 - The effect of the development on the character and appearance of the area.

Reasons

New residents

4. The area is predominately residential in nature, characterised by traditional two storey terraced dwellings.
5. The proposal would see an existing residential dwelling converted into two flats, with a single storey rear extension, rear dormer and two front dormers included to facilitate the change of use.

6. The ground floor flat would utilise the proposed rear extension for additional space, and appears to be open plan in design, effectively creating a studio flat. Principal access to be taken from Ridley Street but access at the rear of the property to the rear yard area.
7. The first floor flat would utilise the space created by the dormer extensions to create additional living space in the roof area. Access would be taken from Ridley Street. Refuse bins and cycle storage would be at the rear of the property, accessed from the alleyway to the side of the property.
8. There are two issues at play with regard to living conditions. Firstly, the first floor flat is the larger of the two, and with two bedrooms is more likely to attract a larger number of residents, potentially a family, than the ground floor flat. The larger flat has limited access to the private amenity space, with no direct access, and moreover it is likely that the ground floor occupant(s) will utilise that space, affecting the living conditions of the upper floor residents by the potential for restriction of access to meaningful amenity space.
9. Secondly, the ground floor flat would struggle to access natural light to the property, given the ratio of floor space to natural light available from windows. This would be further magnified by the rear window looking onto what would be the bin and cycle storage, which is not a good outlook and in order to protect privacy levels, some form of window coverage, curtains or blinds, would potentially be needed, affecting that access to light further.
10. As a result I find the layout would be harmful to the living conditions of the new residents of the property, contrary to Policy CS03 of the Leicester City Core Strategy (2014) (the CS) and policies PS10 and H07 of the City of Leicester Local Plan (2006) (the CLLP) which, amongst other matters, expect development to create buildings and spaces that are fit for purpose, take privacy into account and create a satisfactory living environment.
11. I also find conflict with the design aspirations of Paragraphs 130 and 134 of the National Planning Policy Framework (the Framework)

Adjacent property

12. The proposals include a single storey rear extension as part of the application, in order to create additional ground floor internal floorspace. This would measure approximately 4.5m in depth, 3.5m in width and 2.8m high with a flat roof.
13. The adjacent property, no 35 Ridley Street has a rear window and a side facing window close to the boundary with the appeal property. Given the location of these windows, the depth of the proposed extension would introduce considerable built form adjacent to those windows, resulting in a sense of enclosure and confinement when seen from those windows. The sense of enclosure would be exacerbated by the height (2.8m) of the extension adjacent to the boundary which would effectively create a narrow passageway and result in significantly limited outlook from No 35.
14. I therefore consider that the proposal would be unduly overbearing and would diminish the living conditions of the occupiers of No 35 to an unacceptable degree.

15. I have noted that the one of the windows concerned looks toward the boundary, rather than straight ahead, but the effect of the proposal would be so significant, compounded by the constrained layout and relationship between the two properties and the presence of the extension close to the boundary, that it would cause significant harm to the living conditions of the resident at No 35.
16. It is a function of the planning system to secure good living conditions for existing and future occupants of buildings, and in this regard, for the reasons given above, the proposal would fall short of this goal.
17. I find that, on this issue, the proposal fails to comply with policy CS03 of the CS and policies H07 and PS10 of the CLLP which, amongst other matters, expect development to address the nature of nearby uses and respect the amenity of existing residents. I also find conflict with the design aspirations of Paragraphs 130 and 134 of the Framework.

Character and appearance

18. As stated previously, dormers would be erected to the front and rear elevations in order to allow living accommodation in the roof space of the property.
19. I find the proposed design of the front and rear dormers to be poor in terms of sizing and positioning and do not respect the proportions of the existing property. They are not respectful of the character and appearance of the area which is traditional in nature and would cause material harm to the street scene by their contrived design.
20. As a result of the harm caused to the character and appearance of the area, I find the proposals contrary to policy CS03 of the CS and policies H07 and PS10 of the CLLP which, amongst other matters, expects development to contribute positively to an area's character and appearance in terms of a number of criteria, and should address proposed or potential changes to the appearance of buildings and their settings.

Other Matters

21. I note that the appellant has stated that there are previous approvals for extensions on site, and that other properties nearby have consent to convert to flats. I have not received details of these matters, and do not know their context, design, layout or level of works proposed. In any event, I am required to determine the appeal on its own merits, and I have identified harm on certain matters.

Conclusion

22. For the reasons given above, I therefore conclude that the appeal be dismissed.

Paul Cooper

INSPECTOR