
Appeal Decision

Site visit made on 7 June 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/W2465/W/22/3290918

209 Green Lane Road, Leicester LE5 4PE

- 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 Harji + Ramgi against the decision of Leicester City Council.
 - The application Ref 20211532, dated 17 June 2021, was refused by notice dated 24 September 2021.
 - The development proposed is described as 'Proposed part of change of use at ground floor room to owner's travel agency office'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposals on:
 - i) the vitality and viability of the Green Lane Road (GLR) and St. Saviours Road West (SSRW) local centres; and
 - ii) the character and appearance of the area.

Reasons

Vitality and Viability

4. Paragraph 87 of the National Planning Policy Framework (the Framework) requires Councils to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
5. The main parties agree that the proposal is a main town centre use as defined within Annex 2: Glossary to the Framework. They also agree that the appeal site lies outside the designated local centres as set out in Policy CS11 of Leicester City Local Development Framework Core Strategy (CS), and Saved Policy R03 City of Leicester Local Plan (LP).

6. The CS was adopted in 2014 and the LP was originally adopted in 2006. The policies most important for determining this appeal are consistent with the Framework and as such they carry full weight. They seek to direct service provision, such as that proposed, to designated local centres, and not allow development proposals outside of their confines which may adversely affect their vitality and viability.
7. The appeal site is located at the crossroad of Green Lane Road and Kitchener Road in a predominantly residential area. On the opposite corner of the junction, at 207 Green Lane Road, is a hot food takeaway, beyond which lies the GLR local centre. The SSRW is a short distance further to the south west. Both local centres consist of well-established parades of shops and services. At the time of my site visit they appeared to be vibrant hubs with limited vacancies.
8. The proposal would involve the use of a small part of the appeal property as a travel agency. According to the appellants, the majority of their business would be conducted by phone and via the internet, although there is no certainty that that would be the case.
9. There may be opportunities within existing local centres to accommodate the proposal, however I have only limited evidence regarding current availability, and no indication as to whether they would meet the needs of the appellant. I have also taken into account the scale of the development, the appellants business methods and their desire to operate from the family home. Whilst the impact on the existing centres at GLR and SSRW is likely to be limited, I have no conclusive evidence to indicate whether the proposal would affect their vitality or viability or make a positive contribution were it to be located within an existing centre. That said, it is likely that any new business will seek to divert trade from existing business, including those already operating from premises located within existing local centres.
10. Accordingly, the proposal would harm the vitality and viability of the Green Lane Road and St. Saviours Road West local centres contrary to Saved Policy R03 of the LP and Policy CS11 of the CS. These policies, amongst other matters, seek to direct service provision to designated local centres thereby ensuring that new retail businesses take space in them rather than setting up elsewhere. It would also not accord with paragraphs 86 and 90 of the Framework which seek to define the extent of town centres and primary shopping areas and consider the impact of new proposals on centres in their catchment area.

Character and Appearance

11. The host property comprises of an end terrace dwelling with a two storey side extension. Part of the ground floor of the extension would be used to accommodate the travel agency. The area is residential, comprising dwellings with conventional frontages set back from and facing the street. This adds to a uniform and spacious quality that contributes positively to the character and appearance of the area.
12. The proposal would replace an existing window on the front elevation with a new front door, thereby creating an independent access to the proposed travel agency. A window would also be installed in the side elevation. Within the front

garden, directly adjacent to the pavement, a covered bicycle area would be constructed using uPVC polycarbonate sheets.

13. The proposed 'front' door would introduce a large opening where there is currently a window with brickwork below. It would result in the creation of a 'shopfront' detail in a prominent position on the front elevation and introduce a commercial quality to the host property that would be uncharacteristic of its current residential use. Moreover, it would contribute to the unbalancing of the front elevation of the host property and the terrace within which it sits. Consequently, it would be out of keeping with the host property and would appear as an incongruous feature within its immediate residential surroundings. I acknowledge that works to residential properties can be carried out under permitted development rights, however, that is not the proposal before me for consideration.
14. The proposed side window would be of a similar design to others on the host property. Given its size, design and location it would not have an adverse visual impact on the street scene.
15. Whilst the proposed covered bicycle area is not specifically referred to within the description on the application, it does appear on the proposed drawings. The Council has considered this element of the proposal, and, notwithstanding the comments made by the appellants, I have also considered the impact it would have on the character and appearance of the area. In this regard I find that it would occupy a prominent location well forward of the building line and be constructed of materials that would be out of keeping with the area. As a result, it would appear as an incongruous feature within the street scene.
16. As a result of the above, the appeal scheme would cause harm to the character and appearance of the area. It would therefore conflict with Policy CS03 of the Leicester City Local Development Framework Core Strategy and paragraphs 130 and 134 of the Framework. These jointly seek, amongst other matters, high quality design that enhances the distinctiveness and character of the area by responding positively to the townscape and streetscene.

Other Matters

17. The appellant has drawn my attention to a number of changes of use that have been allowed in the locality, including one at appeal. I noted there were some similarities with the current proposal, however in the majority of the cases cited the properties were located in, or directly adjacent, existing local centres. Moreover, 5 of the 6 cases related to launderettes which have their own particular attributes and needs. As a result, they are not directly comparable with the appeal proposal. They do not provide justification for development that would have an adverse impact on existing local centres or fail to add to the overall quality of the area in the vicinity of the appeal site.
18. Whilst recognising the appellants desire to work from their home this does not outweigh the harm to the vitality and viability of existing local centres, or the adverse impact the proposal would have on the character and appearance of the area, as identified above.

Conclusion

19. There are no material considerations of sufficient weight to indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR