



Appeal Decision

Site visit made on 7 February 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023

Appeal Ref: APP/W2465/W/22/3307220

3-5 Bramley Road, Leicester LE3 9DA

- 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 Sandip Chauhan against the decision of Leicester City Council.
 - The application Ref 20213025, dated 7 February 2022, was refused by notice dated 8 June 2022.
 - The development proposed is the change of use of 2 houses in multiple occupation to 5 x 1 bedroom flats and 1 x 2 bedroom flat; construction of two single storey rear extensions; construction of dormer extension at rear; installation of rooflights to front. Associated landscaping and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since issuing their decision Leicester City Council have designated the St Paul's Conservation Area (SPCA) in June 2022. The appeal site lies within the SPCA boundary. The Council have confirmed that they have advertised the appeal in accordance with the Regulations¹. Both main parties have also commented on the designation of the Conservation Area and Policy CS18 of the Leicester City Local Development Framework Core Strategy, 2014 (CS), within their evidence. As such I consider that no interested parties would be prejudiced in taking the SPCA and Policy CS18 of the CS into consideration in this decision.

Main Issues

3. The main issues are whether;
 - The proposed development would provide acceptable living conditions for the future occupants of the proposed dwellings, with particular regard to internal space, privacy, daylight and outlook; and
 - The proposed development would preserve or enhance the character or appearance of the St Paul's Conservation Area.

¹ Regulations 5 or 5A of the Planning (Listed Buildings and Conservation Area) Regulations 1990

Reasons

Living conditions of future occupiers

4. The proposal is to convert two existing Houses in Multiple Occupation (HMOs) into 5no. one-bed flats and 1no. two-bed flat. The existing houses are two-storey terraced houses at the end of a street of similar terraced properties.
5. Policy H07 of the City of Leicester Local Plan, 2006 (LP) supports the principle of conversion of existing buildings to self-contained flats, subject to a number of criteria. The relevant criterion for this appeal is d) the creation of a satisfactory living environment. Policy PS10 of the LP also seeks to ensure suitable living conditions for existing and proposed residents and includes light, privacy and overshadowing in the factors to be considered.
6. In assessing the suitability of the internal accommodation, the main parties have referred to the Technical Housing Standards – Nationally Described Space Standard 2015 (NDSS). The appellant contends that the flats all meet the requirements of the NDSS, however the Council have raised concerns about four of the flats.
7. The adopted policies do not refer to the NDSS and do not specify internal space standards or external separation distances. However, the policies do seek to ensure that development provides reasonable living conditions. As such, even if I were to accept the appellant's figures on floorspace and compliance with the minimum standards, this does not automatically equate to acceptable living conditions. Furthermore, although all of the flats are shown as being provided with storage spaces these all fall short of the minimum storage requirement set in the NDSS. Moreover, I have not been provided with bedroom sizes or widths to show whether these comply with the NDSS.
8. Flat 1 is proposed over two-storeys and although, taking the appellant's figures, it complies with the minimum floorspace required for a one-storey flat this does not take account of the extra circulation space needed for stairs. The flat provides one, single, bedroom and an open plan living/ kitchen area. The submitted plans show that, once furnished, the flat would have little space for storage of personal belongings and, due to the position of doors and the bay window, would have a restricted layout in the first-floor room. As such, although providing more than 39sqm floorspace the resultant flat would be cramped and not provide suitable living conditions for the future occupiers.
9. Flats 3 and 4, taking the appellant's figures, technically comply with the minimum floorspace in the NDSS given the provision of a shower room rather than a bathroom. However, both flats are constrained by the long entrance corridors which reduces the available functional space within the rooms. As with flat 1, once furnished, there would be little space for storage of personal items and a cramped layout. Overall, the size of this flat would therefore not provide satisfactory living accommodation for the future occupiers.
10. Flats 2, 5 and 6 also have limited storage space but are not as constrained by their layout and would therefore provide acceptable living conditions for the future occupants. As such, even if I were to accept the appellant's figures, flats 1, 3 and 4 are constrained by their internal layout and the position of doors and windows, and also lack storage space. As such, these three flats would not provide acceptable living conditions for the future occupiers.

11. Turning to privacy, daylight and outlook, it is noted that each room is provided with a window and therefore has natural light and an outlook. However, the majority of the windows for flats 2 and 3 face in towards each other and the narrow, shared, space between the buildings. The separation distance between these windows, and the position of the windows in the rooms, would result in direct overlooking between the habitable rooms which would result in harm to the living conditions of the future occupants.
12. Moreover, flats 2 and 3 are on the ground floor and therefore have two storey sections opposite and immediately adjacent to the windows. This would restrict the levels of daylight available to these windows. I do not have sufficient evidence that the single window to the open plan kitchen and living space for flat 2, which is also adjacent to a two-storey element of the building, would provide adequate levels of daylight for the size of this room. Overall, all of the rooms for these two flats would be dark and gloomy which would be unpleasant for the future occupiers.
13. The close proximity of the windows for these two ground-floor flats to the adjacent two-storey elements would also result in the rooms to these flats also having an outlook enclosed and dominated by the adjacent buildings. The outlook would predominately be of the windows of the opposite flat which would not provide satisfactory living conditions.
14. The bedroom windows in flats 4 and 5 both have the same arrangement of a single window in the rear elevation adjacent to the rear projecting sections of the buildings. However, notwithstanding the concerns of the Council, I have no evidence before me that these rooms would not be provided with sufficient light. Moreover, these rooms are already in use as bedrooms within the HMOs. Flat 1, due to the front facing windows, and flat 6, due to being in the roof slope and provided with both rooflights and the proposed dormer, would both have an outlook beyond the existing buildings and also less restricted levels of daylight. As such the living conditions of flats 1 and 6, in terms of privacy, outlook and daylight, are acceptable.
15. For the above reasons the proposal would, therefore, provide unacceptable living conditions for the future occupiers of flats 1, 2, 3 and 4, with particular reference to internal space, privacy, daylight and outlook. It therefore conflicts with the requirements of Policies H07 and PS10 of the LP, which, taken together, seek to ensure developments provide satisfactory living conditions for future occupants.
16. The proposal would also be contrary to the National Planning Policy Framework (the Framework), specifically paragraph 130 which, amongst other matters, aims to create places with a high standard of living conditions for future occupiers.

Character and appearance

17. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at section 72(1) that with respect to any buildings, or other land, in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

18. The St Paul's Conservation Area (SPCA) is supported by a Character Appraisal (the Appraisal). This defines the special interest of the area as a combination of archaeological, historic and architectural factors. The SPCA covers a mainly urban area dominated by finely detailed Victorian and Edwardian terraced housing. It is centred around the Foss Way with the grade II listed St Paul's Church and Foss Road Recreation Ground as notable features. Insofar as it is relevant to the appeal, the significance of the conservation area derives from the formal pattern, urban grain, layout, and the architectural detailing of the traditional buildings within. The Appraisal notes that many of the houses have retained original architectural features.
19. The appeal properties are similar to the other terraced houses along Bramley Road with modest use of detailing, two storey bays with hanging tiles, chimneys and red brick boundary walls to the front. The appeal properties currently contribute positively towards the significance of the SPCA.
20. The changes to the internal layout of the buildings do not have any effect on the conservation area. However, to enable the conversion the proposal includes the removal of the chimney, the insertion of rooflights on the front roof slope, the provision of a dormer on the rear roof slope and two, single storey extensions to the rear.
21. The rear extensions are of a suitable scale and design and relate to the existing buildings. Furthermore, the rear extensions are set wholly behind the existing buildings. As such these additions would not adversely affect the conservation area. However, the insertion of rooflights, the dormer window and the removal of the chimney would alter the external appearance of the buildings. Although there are other properties in the immediate area that have rooflights and dormer windows I have not been provided with any evidence of dormers of a similar size and shape, or on an end terrace house. Furthermore, any existing rooflights and dormers on Bramley Road would have been installed prior to the street being included in the conservation area.
22. The rooflights to the front could be altered to conservation style rooflights through an appropriately worded condition. However, the dormer to the rear is proposed as a flat roofed dormer and extends to nearly the full width of the existing dwellings, up to the edge of the end terrace dwelling. As such, due to its position, shape and size the dormer would be visible from the street scene and would appear as an incongruous feature on this end of the row of terraced houses. This would result in harm to the character and appearance of the conservation area.
23. The importance of original chimney stacks and chimney pots to the character of the SPCA and the negative effect of their removal is set out within the Appraisal. The majority of the properties along Bramley Road still have their chimneys and they are a feature of the roofline and currently contribute positively towards the character of the area. The removal of the chimney from the appeal properties would have a negative effect on the current roofline of the street which would not preserve the appearance of the conservation area.
24. The harm to the conservation area would be less than substantial, nevertheless it must carry great weight. The Framework advises it should be weighed against the public benefits of the proposal.

25. The public benefits are the provision of 4 additional units to the housing supply of the district and the associated economic benefits both during and after construction. However, given the harm that would result to the living conditions of the future occupiers from a number of the proposed units, this benefit is limited and would not outweigh the demonstrable harm to the character and appearance of the area resulting from the proposal.
26. I, therefore, find that the proposed removal of the chimney and the addition of the proposed rear dormer would have a harmful effect and not preserve nor enhance the character or appearance of the St Paul's Conservation Area. Accordingly, the alterations to enable the change of use to 6 flats would be contrary to Policy CS18 of the CS which, amongst other matters, seeks to protect and enhance the historic environment.

Conclusion

27. The proposal would be contrary to the development plan as a whole, and the Framework. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR