



Appeal Decision

Site visit made on 20 April 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/W2465/D/23/3315282

81 Clarendon Park Road, Leicester, LE2 3AH

- 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 & Mrs Gareth and Cassandra Edwards against the decision of Leicester City Council.
 - The application Ref 20222107, dated 9 November 2022, was refused by notice dated 4 January 2023.
 - The development proposed is described as the deconstruction of the outrigger; construction of single-storey extension at the rear; reconstruction and extension of the outrigger at first-floor level; construction of an outbuilding at rear; basement conversion and associated access at front; alterations to the house.
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Decision

1. The appeal is allowed and planning permission is granted for the deconstruction of the outrigger; construction of single-storey extension at the rear; reconstruction and extension of the outrigger at first-floor level; construction of an outbuilding at rear; basement conversion and associated access at front; alterations to the house at 81 Clarendon Park Road, Leicester, LE2 3AH, in accordance with the terms of the application, Ref 20222107, dated 9 November 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, (CZ397-02-04A-001-P1); Proposed Plans, (CZ397-02-04c-102-P1); Proposed Elevations, (CZ397-02-04c-103-P1); Proposed Details, (CZ397-02-04c-106-P1).
 - 3) The development shall be carried out in accordance with the approved external materials and details set out within the materials schedule CZ397-02-04c-105-P2 (received 09/11/2022). All of the items to be installed as such unless otherwise agreed in writing by the City Council as local planning authority.

Application for costs

2. An application for costs was made by Mr & Mrs Gareth and Cassandra Edwards against Leicester City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are the effects of the rear extension and re-constructed first-floor outrigger on the character and appearance of the Stoneygate Conservation Area.

Reasons

4. No 81 is a large, mid-terraced brick-built house situated on the northern side of Clarendon Park Road, and is located towards the western edge of the Stoneygate Conservation Area (CA). It has a striking façade that includes a large semi-circular bay window on the ground floor, and an 'overhanging' front dormer at second-floor level. It has a long two-storey rear outrigger against the boundary with the neighbouring No 83. There is, apparently, an Article 4 Direction in place that removes permitted development rights for works affecting the front elevations and gardens.
5. The proposed development involves a number of elements. The Council has raised no issues with regard to the proposed construction of an outbuilding at rear, or with the basement conversion and associated access at front, or the other related alterations to the house. I concur with this perspective, and the main issue therefore relates to the de-construction of the existing rear outrigger and the construction of a new single-storey rear extension, with a first-floor outrigger built above, re-using existing materials. The new ground-floor rear extension would be of modern design and materials, and would be a major feature at the rear of the house.
6. Policy CS2 of the Council's Core Strategy (CS) indicates that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions. Best practice energy efficiency and sustainable construction methods should be incorporated in all aspects of development, with use of locally sourced and recycled materials where possible. Policy CS3 indicates that development must respond positively to the surroundings, be appropriate to the local setting and context, and take into account Leicester's history and heritage. Policy CS18 indicates that the Council will protect and seek opportunities to enhance the historic environment, including the character and setting of designated and other heritage assets.
7. The Council's Supplementary Planning Document on Residential Amenity (SPDRA), in Appendix G, Section 3, identifies external design principles that should apply to residential extensions. These include that the extension should match the original appearance of the housing materials, roof form and openings, and that it should not adversely affect the quality and appearance of the surrounding area. The Council's Supplementary Planning Document on Climate Change (SPDCC) indicates that, as far as possible, use of raw material should be minimised. To reduce the use of materials as much as possible, construction, demolition and excavation waste should be reused or recycled.
8. The Council contends that the proposed demolition and rebuilding of the outrigger at first-floor level, by reason of its significant loss of historic features and harm to the property, group of properties and the CA, would not be outweighed by wider public benefits of the proposal. In addition, the proposed demolition and rebuilding of the existing outrigger at first-floor level would result in the superfluous loss of embodied carbon.

9. The appellants note that the Council is primarily concerned with the rear extension including that the outrigger would be taken down and reconstructed, reusing the existing materials, as part of the development. They contend that the extension would not be readily visible from the public realm. In addition they contend that the Council has twice previously granted permission for the construction of the extension which would entail removal of the ground-floor of the outrigger, while the reconstruction of the first floor, with minor amendments to its original form, would use existing materials. As a result, the rebuilt first-floor outrigger would deliver a section of building constructed to modern standards for insulation, so making it fit for purpose for a longer period of time, and contributing toward aims relating to climate change and carbon reduction.
10. It would appear that the Council has recently granted planning permission on two occasions for the construction of a modern single-storey rear extension, with retention of the original first-floor of the outrigger above. On the first occasion, (application ref: 20211085), the Council considered that the proposal would have a neutral impact on the CA, firstly due to its scale and location at the rear, and secondly due to its use of materials. The second permission (application ref: 20221516) was for variation of 2 conditions attached to the previous permission 20211085 to allow for the submission of materials and minor amendment to the fenestration. On this occasion, the Council again considered that the proposal would have a neutral impact on the CA due to its scale and location at the rear and its use of materials. In addition, although the proposed windows would be visible from neighbouring properties, it was considered that the proposal was well designed and acceptable.
11. On both of the above occasions, the Council concluded that the proposal would comply with Policies CS3 and CS18 of the CS and would not conflict with saved Policy PS10 of the LP, and would be acceptable in terms of the character and appearance of the area. The two earlier planning permissions represent a significant fall-back position.
12. There would appear to be two main differences between the earlier permissions and the current proposal. Firstly, the existing outrigger would be demolished before construction started and, from the submitted documents (CZ397-02-04c-102-P1 and CZ397-02-04c-105-P2), it is clear that the first-floor outrigger would be constructed above the modern single-storey extension, re-using original materials stored on site. Secondly, the re-constructed first-floor outrigger would be a little over 1 metre longer than the original.
13. With regard to the character and appearance of the CA, I note that the principal elements along Clarendon Park Road are the front elevations of the properties and their front gardens. The rear of the properties includes a mix of outriggers and other buildings, some of which appear to be of modern construction and design. There is a very limited view of a small part of the rear outrigger at No 81 from Central Avenue, between buildings, though even this view is restricted by the presence of a mature tree in the gap. From the information available to me, the reconstructed first-floor outrigger would not appear significantly different from the existing structure when viewed from its immediate surroundings or from the public realm.
14. The Council is concerned that the existing rear outrigger contributes to the significance of the building as a heritage asset, which captures the building in

its entirety and is enhanced by its completeness, while its replacement would be a modern building in its construction. However, the fall-back scheme, as already approved, would also result in the irretrievable loss of the ground-floor element of the outrigger, and I do not consider that rebuilding the first floor of the outrigger using saved original materials would represent a significantly greater loss than that of the approved scheme. Moreover, it would, to all intents and purposes, appear almost identical, re-use original materials, and represent improved residential amenities for the present and future occupiers in the form of better insulated accommodation.

15. Given that the Council considered that the earlier proposals would have a neutral impact on the CA due to the scale and location at the rear and its use of acceptable materials, a view with which I concur, I find that the current scheme would be similarly neutral in impact. Furthermore, there would effectively be only minimal change from the significant fall-back position represented by the earlier permissions. On this basis, the current proposal would preserve the character and appearance of the CA as a whole, and would not conflict with Policies CS3 or CS18 of the CS, or with guidance in the SPDRA.

Other Matters

16. The Council has contended that the proposed demolition and rebuilding of the existing outrigger at first-floor level would result in the superfluous loss of embodied carbon. However, the earlier permissions would, if carried out, result in the loss of the embodied carbon present in the ground-floor materials of the outrigger. The rebuilding of the first-floor of the outrigger using recycled materials would not necessarily result in any greater loss of carbon, particularly given that the rebuilt first floor would be slightly larger, and could conceivably be seen as resulting in the loss of marginally less embodied carbon through waste. Finally, given that development in accordance with the permission, and conforming to the approved documents that were submitted with the application, would require all materials from the demolition process to be stored on site and re-used in the re-construction, I consider it likely that the re-building process would be able to use the best of the reclaimed materials to ensure a high quality development.
17. In the light of the above, I do not consider that the proposal would conflict with Policy CS2 of the CS, or with guidance in the SPDCC, both of which require that development should use locally sourced and recycled materials, including construction and demolition 'waste', where possible.
18. The Council has concluded that the proposal would be acceptable in terms of the privacy and amenity of neighbouring occupiers and would not, on this basis, conflict with Policy CS3 of the CS, or with Policy PS10 of the LP. I concur with this view.

Conclusion

19. I find that the proposed scheme would not be harmful to the character or appearance of the host building or its immediate surroundings, particularly given the significant fall-back position of the earlier approved schemes. On this basis, it would have a neutral impact and would, therefore, preserve the character and appearance of the CA, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

20. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area and to preserve the character and appearance of the CA.

J D Westbrook

INSPECTOR