



Appeal Decision

Site visit made on 17 October 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/W2465/W/23/3321129

58 Fosse Road South, Leicester LE3 0QD

- 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 Raj Goyal, of Bluebrick Estates Limited, against the decision of Leicester City Council.
- The application Ref 20222474, dated 11 January 2023, was refused by notice dated 30 March 2023.
- The development proposed is conversion of single dwelling to two flats.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is whether or not the proposal would provide satisfactory living conditions for future occupiers, with particular regard to the provision of internal living space.

Reasons

3. The appeal site is a large 2-storey mid-terrace property with a dormer window in the front roof slope which serves an attic room internally. The proposed development seeks the conversion of the building to provide two flats, one at ground floor and one on the upper floors.
4. Flat 1 would be located on the ground floor and would be accessed at the rear of the building via a contained yard area that would be used as private amenity space for its future occupiers. The proposed flat would have two double bedrooms, with en-suites and an open plan kitchen and living/ dining area.
5. Flat 2 is proposed on the first floor and within the attic space. Access is achieved from the main front entrance to the building at ground floor. The first floor would have the kitchen, lounge and dining area as one open plan common area, along with 2-bedrooms, and associated en-suite shower rooms. The attic space on the second floor would provide the main bedroom, with an associated en-suite.
6. The Council has referred to the Nationally Described Space Standards (NDSS)¹ in the Delegated Report. The appellant also sets out that these standards are reflected in the Leicester "Achieving Well Designed Homes – Residential Space Standards". The Planning Practice Guidance (PPG)² states that where a local

¹ Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (2015)

² PPG paragraph: 018 Reference ID:56-018-20150327

planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the NDSS. I have not been made aware of such a policy in the City of Leicester Local Plan, 2006 (LP) and on this basis the NDSS can only be considered as guidance and any conflict cannot attract significant weight. Nonetheless, Policy H07 of the LP supports the principle of conversion of existing buildings, provided that, amongst other things, a satisfactory living environment is created. Policy PS10 of the LP also seeks to protect the amenity of proposed residents.

7. The appellant sets out that flat 2 would have a gross internal area of 100m², which is above the NDSS standard of 93m² for a 3 bedroom, 2 storey flat for 5 people. While it may be the case that the proposed internal floor area for the flat meets the gross internal floor area specified in the NDSS, unusually, the flat extends across 2 floors and this means that a significant and disproportionate part of the overall floorspace figure is accounted for by the staircase and associated circulation space rather than more directly usable space for the benefit of occupiers. Therefore, it is not clear from the evidence before me whether the 100m² takes into account the necessary circulation space for stairs. I also note that the proposal includes entrance hallways, and it is not clear whether this space forms part of the floor area calculation or not.
8. Additionally, the proportion of space available for the combined kitchen, lounge, and dining area is limited, for a 3 bedroom flat, whether it is occupied by students rather than a family, as is suggested by the appellant. The poor amount of space for the common areas for a 3 bedroom flat of this size would, on balance, provide an unsatisfactory standard of living space for its intended occupiers. The lack of acceptable internal living space would also be compounded by the absence of outdoor amenity space for the future occupiers of flat 2.
9. While it is suggested that the intention is to drop the ceiling of the first floor by 200mm, to achieve a greater head height within the attic room, this would not overcome the fundamental concerns with the poor amount and quality of space proposed for the common areas that I have identified.
10. There is no dispute between the parties about the size of Flat 1 and I see no reason to disagree in consideration of the proposed development and would have an area of outdoor amenity space for its future occupiers.
11. For the above reasons the proposal would, therefore, provide unacceptable living conditions for the future occupiers of flat 2, with particular regard to the provision of internal living space. It therefore conflicts with the requirements of Policies H07 and PS10 of the LP.

Other Matters

12. No 58 Fosse Road South is located within the West End Conservation Area. However, no alterations are proposed to the external fabric of the building and the Council have raised no objections to the development in this regard, and I see no reason to disagree in consideration of the proposed development and the context of the site.
13. The proposal would contribute to boosting the supply of new housing in a sustainable urban area, as referenced in the National Planning Policy Framework. However, these benefits would be limited by virtue of the proposal

only adding one additional dwelling to the housing supply in the area. Taking the above matters into consideration, the benefits would not outweigh the identified harm that I have found would be caused in relation to the main issue.

Conclusion

14. In conclusion, the proposed development would be contrary to the identified policies of the development plan as a whole and there are no other material considerations which outweigh this conflict, and for the reasons given above, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR