



Appeal Decision

Site visit made on 22 May 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 10th June 2024

Appeal Ref: APP/L2440/W/24/3336468

127 Dorset Avenue, Wigston, Leicestershire LE18 4WF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Harjinder Singh against the decision of Oadby and Wigston Borough Council.
 - The application Ref is 23/00192/FUL.
 - The development proposed is change of use from class C3 dwellinghouse to class C2 residential institutions (children's care home). Garage conversion, first floor side extension over existing garage and single rear extension to provide 5 no. bedrooms.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The parties agree that the garage conversion and first floor side extension are acceptable.
3. Given the above, the main issues are:
 - the effect of the single storey rear extension on the character and appearance of the host dwelling and the area; and
 - whether the proposal would provide adequate living conditions for future occupants, with particular regard to private living space; and
 - whether the proposal meets an identified need.

Reasons

Character and appearance

4. The area is suburban, characterised by two-storey detached and semi-detached properties uniformly arranged within proportional plots. The appeal site comprises a detached property on a large but irregular corner plot. The plot is bound at the sides and rear by high level fencing and mature hedges, with an open front garden.
5. The proposal would substantially increase the footprint of the dwelling and would extend significantly to the rear. Despite its single storey height, it would dominate the original dwelling and appear disproportionate, particularly in relation to its overall depth.
6. I note that flat roofs are commonplace on single storey rear extensions including the examples provided by the appellant and that the Residential

Development Supplementary Planning Document (SPD) provides guidance only. However, despite the use of matching materials, in this case due to the depth of the extension, the flat roof would contribute to its monolithic character which would fail to integrate sympathetically with the host dwelling. As such the proposal would appear as an incongruous bolt-on.

7. Although the extension would be minimally visible within the street scene due to the existing high level boundary treatments, it would be readily visible from surrounding properties and gardens. In these views the extension would be a prominent and unattractive addition that would appear harmfully out of place.
8. The appellant suggests that a smaller, single storey rear extension could be constructed under permitted development rights and that this is a fallback position. Although I have not been provided with a Lawful Development Certificate to this effect, I am satisfied that if the appeal proposal were dismissed, there is a reasonable prospect that such a fallback position would be implemented. Nevertheless, given that the fallback extension would be reduced in scale, it would be less harmful than the extension before me and so does not lead me to an alternative conclusion in this case.
9. Therefore, I conclude that the single storey rear extension would harm the character and appearance of the host dwelling and the area. It would conflict with Policies 6 and 44 of the Oadby and Wigston Local Plan 2011-2031 (April 2019) (OWLP) where they require development to respect the existing local quality, character, and features and be of high architectural quality.
10. In addition, the proposal would also conflict with the SPD where it suggests that in order to appear sympathetic, the roof of extensions should replicate design elements of the host dwelling.

Living conditions

11. The proposal would increase the size of the dwelling in order to provide 5 bedrooms and associated living areas for use as a children's care home. Whilst the communal areas would be ample, two of the proposed bedrooms would not meet the area required by the Nationally Described Space Standards (NDSS).
12. The appellant asserts that child occupants of the dwellinghouse would not require the same amount of floorspace as an adult resident. However, the NDSS does not make any distinction between bedroom provisions for adults or children and as indicated by the appellant the rooms have not yet been allocated nor is there a mechanism before me to secure their allocation.
13. Moreover, in a setting such as a children's care home, private spaces such as bedrooms would be invaluable for the future resident's health and wellbeing and as such, they should be afforded sufficient space in order to function well. Although they are only marginally below the guideline area, when fully furnished and occupied, they would be cramped.
14. Whilst the second smallest bedroom could be increased in size through the removal of the ensuite, and the appellant has suggested this could be secured via condition. This is not what has been applied for and it would not be appropriate to evolve a scheme via condition, without a consultation period. As such, I have assessed the scheme as submitted.

15. I acknowledge the introduction paragraphs within the NDSS and that the smallest bedroom is currently existing. However, these matters do not alter my views as set out above regarding the health and wellbeing of future residents.
16. Consequently, I conclude that the proposal would not provide adequate living conditions for future occupants, with particular regard to private living space. It would conflict with Policy 11 of the OWLP where it requires residential proposals including changes of use to consider the Government's Technical Housing Standards.
17. Similarly, the proposal would conflict with the SPD where it advises development should conform to and satisfy the space standards set out in the Government's Technical Housing Standards.

Identified need

18. Policy 11 of the OWLP supports applications for specialist care accommodation, where it meets an identified need and is proposed in an appropriate sustainable location.
19. The parties agree that the proposal would be in an appropriate location. However, the Council assert that there is insufficient evidence to demonstrate local need within the Borough of Oadby and Wigston and as such justify the loss of a family home. Notwithstanding this, Policy 11 does not specify that the identified need is local.
20. The appellant provided evidence of a need at national and county level, with further correspondence from Leicestershire County Council indicating a need local to Oadby and Wigston. Further, I have no substantiated evidence before me that the loss of a single-family dwelling would be unduly harmful to the provision of housing within the area.
21. As such, I conclude that the proposal would meet an identified need. It would accord with Policy 11 of the OWLP as set out above.

Other Matters

22. The parties have debated whether the proposal would constitute a change of use or whether it could be implemented under permitted development rights. Notwithstanding the sited case law and the withdrawn Lawful Development Certificate¹, in this case, the description of development clearly refers to a change of use. Moreover, as set out above, I have concluded that the proposal would meet an identified need but that it would be harmful in terms of character and appearance and future living conditions. As such, this matter has had no bearing on my assessment of the scheme.
23. The proposal would provide a children's care home meeting an identified need. It would provide adequate outdoor amenity space and parking and would not be detrimental to the living conditions of neighbouring residents. Whilst there would be no material change to the provision of family housing within the area and the provision of specialist housing is supported by the National Planning Policy Framework (the Framework) and the Ministerial Statement, these matters do not outweigh the harm I have identified above.

¹ Application Reference: 22/00051/CLP

Conclusion

24. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR