



Appeal Decision

Site visit made on 30 April 2024 by D Ellis MPlan MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/X2410/W/23/3336153

11 Staddon Road, Anstey, Leicestershire LE7 7AY

- 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 Mrs Lynn Spinks against the decision of Charnwood Borough Council.
 - The application Ref is P/23/1495/2.
 - The development proposed is described as 'Conversion of existing public house to four apartments. Three, two bedroom and one, one bedroom apartments. Change of use from a commercial premises to domestic premises.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. I have been made aware that the emerging Charnwood Local Plan 2021-2037 is now at the main modifications stage. However, the emerging plan has not yet been adopted and as such does not form part of the development plan. The wording of Policy CS2 of the current Charnwood Local Plan (2015) (CLP) and Policy DS5 of the emerging plan is almost identical, and there are no changes in the emerging plan with regards to the effect of a development on the living conditions of future occupiers. I shall therefore proceed in accordance with the Act and assess this appeal proposal in accordance with the development plan.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of future occupiers of the proposed development.

Reasons for the Recommendation

5. The kitchen and lounge area in Flat 1 would be Z-shaped and would be 7.877m deep. Owing to the shape and depth of the room and the position of the two windows in one corner, the area of the room furthest away from the windows

- would receive limited daylight. However, part of this area is next to the entrance door, and as such this specific area may not be used as part of the main lounge area. The appellant states that there would be glazing above all internal doors, however for Flat 1 the only internal doors would lead to the bedroom and the bathroom and, owing to the position of the doors, would only provide a limited amount of natural light to the lounge area. Overall, the lack of natural light would cause moderate harm to the future occupiers of Flat 1.
6. Flat 2 would have an L-shaped lounge area which would be 9.689m deep, with two windows along the furthest side of the room. The smaller window towards the centre of the room would face directly onto the neighbouring building and consequently would almost always be in shade and would have a very limited outlook. The larger window would be positioned towards the far end of the L and would primarily provide light to one end of the room. The middle of the room and in particular the area nearest to the entrance door and the kitchen, which is positioned off of the lounge area, would receive very limited light from the far window. While the glazing above the bedroom doors may provide some light, this would be limited to the area by the entrance door and would not provide any meaningful light to the kitchen.
 7. Both bedrooms in Flat 2 would be served by existing rooflights. The flat roof area around the rooflights would be used to provide access to Flats 3 and 4, and for bicycle storage. The rooflights contain tinted glazing to prevent views through the rooflights, and the tinted glazing could be secured by a condition. However, while the tinted glazing may prevent views into the bedrooms, the presence and movement of people on the flat roof would create the perception of overlooking and intrusion. Furthermore, considering the small size of the windows facing onto the car park and the limited outlook achievable from the bedrooms, taken together Flat 2 would have a poor outlook.
 8. Cumulatively, the lack of natural light for the kitchen and part of the lounge area, the perception of overlooking of the bedrooms and the limited outlook within the flat would cause substantial harm to the future occupiers of Flat 2.
 9. The existing fenestration together with the proposed windows on the rear elevation and rooflights on the side roof slopes would ensure that all areas of Flats 3 and 4 receive adequate natural light.
 10. With regards to the flats at The Nook and Latimer Street, no substantive details of these flats or any associated planning permissions have been provided. While the windows of these other flats may be smaller than those at the appeal property, the size and depth of the rooms they serve is unknown. I am also unable to compare the reasons for granting planning permission for the other flats with the reasons for refusing the application for the scheme before me. As such I cannot be certain that the other flats are directly comparable to the appeal proposal. Moreover, this appeal has been determined on its own merits.
 11. The proposal would therefore result in harm to the living conditions of the future occupiers of Flats 1 and 2, with the harm being moderate and substantial respectively. Consequently, the proposal would conflict with CLP Policy CS2, which requires amongst other things for development to protect the amenity of those who will live in it.

Other Matters

12. Concerns regarding the processing of the application and pre application, including matters relating to communication, are not matters for my consideration and do not affect the planning merits of the scheme.

Conclusion and Recommendation

13. The Council is not able to demonstrate the supply of housing sites required by the National Planning Policy Framework 2023 (the Framework). Paragraph 11(d)(ii) suggests, in this situation, the most important policies are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. There would be harm to the living conditions of future occupiers, to which I give substantial weight. This would also conflict with the Framework, specifically where it is concerned with providing a high standard of amenity for existing and future users in section 12. The provision of four additional units would only make a modest difference to the existing supply. Economic advantages would also arise from the construction and occupation of the flats, although some of these would be temporary and limited by the scale of the scheme. I would therefore ascribe moderate weight to these matters. It is therefore sufficiently clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply in this particular case.
15. The proposal would be contrary to the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr R Walker

INSPECTOR