

Appeal Decision

Site visit made on 6 September 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 17 September 2024

Appeal Ref: APP/W2465/W/24/3336194

2 Atkinson Street, Leicester LE5 3QA

- 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 Thandi against the decision of Leicester City Council.
 - The application Ref is 20231098.
 - The development proposed is change of use of part of ground floor from auto repair shop (Class B2) to retail shop (Class E); change of use of first and second floor factory and ground floor ancillary office (Class B2) to five self contained flats (4 x 1 bed, 1 x 2 bed) (all Class C3) with associated management office, bin and cycle storage; construction of 4 dormer extensions with balconies to front; alterations.
-

Decision

- 1) The appeal is dismissed.

Preliminary Matters

- 2) In Part E of the appeal form it is stated that the description of development has changed. A copy of the acknowledgement letter from the Council dated 20 July 2023 sets out the Council's changes to the description of the proposed development identifying that unless contact is made, that agreement to the revised description will be taken as being confirmed. I have no further correspondence before me challenging the Council's revision to the proposed description of development which matches that provided on the appeal form. I have therefore used the description from the appeal form in the banner heading above.
- 3) Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issue

- 4) The main issue is the effect of the proposed development on the character and appearance of the host building and the area.

Reasons

- 5) The appeal site comprises an existing two storey red brick building with accommodation in the roofspace, located on the corner of Atkinson Street and Halstead Street. Whilst not nationally or locally designated, the building is of a traditional industrial character and appearance that contributes positively to the mix of building types, designs and materiality in the locality and provides a sense of the history of the area. The appellant asserts that the building has been vacant for some time and that it appears tired and unattractive.
- 6) I noted during my site visit that unsympathetic alterations already carried out, including the insertion of roller shutter doors and the replacement of the first floor windows with white uPVC have detracted from the traditional character and appearance to some degree. However, the simple massing and form, uncluttered roofscape, the pattern and rhythm of the window openings and the architectural feature of the brick string course directly below the first floor windows all continue to contribute positively to the character and appearance of the host building and consequently the streetscene.
- 7) I understand the wishes of the appellant to provide some external amenity space for future occupants. Nevertheless, the number, irregular spacing, massing and design of the proposed dormer windows along with the associated balconies would appear dominant in the roofscape and out of keeping with the simple and uncluttered roof form of the host and surrounding buildings.
- 8) The balconies proposed in front of some of the first floor windows would disrupt the established uniformity and rhythm of the window openings. This visual disruption would be reinforced by the obscuration of parts of the brick string course located below the first floor windows. Whilst I accept that there is a mixture of materials used for windows and doors on the host building and within the surrounding area, the materials proposed as part of the appeal scheme would further erode the traditional character and appearance of the host building.
- 9) Given the corner location of the host building and its overall size and massing, it is a prominent feature within the streetscene and the proposed alterations would result in an imposing form of development at odds with the character and appearance of the area.
- 10) I note the presence of a limited number of dormer windows in the surrounding area. Two terraced dwellings located on opposite sides of Halstead Street have a single dormer window in the front elevation. Nevertheless, the limited size of these dormer windows, the design and the positioning within the roof slope mean that they do not appear overly dominant. The two dormer windows located to the rear of the grey corner property which are discernible from outside the appeal site are less prominent in the streetscene, due to the location to the rear. Given the limited number of dormer windows visible within the vicinity of the appeal site, I do not consider them to represent a prevailing feature of the area. The examples cited by the appellant therefore do not alter my view above.

- 11) I therefore find that the proposal would be harmful to the character and appearance of the host building and the area. It would be contrary to Policy CS03 of the Leicester City Local Development Framework Core Strategy Adopted July 2014 (CS). This policy seeks, amongst other things, that development responds positively to its surroundings and be appropriate to local setting and context. It would also be contrary to paragraph 135 of the Framework which states that developments should be sympathetic to local character and history. Paragraph 139 of the Framework states that development that is not well designed should be refused.

Other Matter

- 12) The statutory duty contained in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess.
- 13) The Grade II Listed Former Police Station is located around the corner from the appeal site, fronting onto Asfordby Street. The significance of this listed building lies in its historic and architectural merit. The listing description identifies that the building was previously the police and fire station along with two attached houses and a lamp room. Due to intervening built form and separation I am satisfied that the proposal would preserve the setting and any features of special architectural or historic interest which the listed building possesses.

Planning Balance

- 14) The proposed development would be contrary to Policy CS03 of the CS. Given the alignment of the intentions of Policy CS03 with paragraph 135 of the Framework, I attach significant weight to the conflict with this Policy. Consequently, I find that the proposal would not accord with the development plan when considered as a whole.
- 15) The appellant asserts that the Council is unable to demonstrate an appropriate supply of deliverable housing sites in accordance with the Framework requirements. This point has not been contested by the Council. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 16) The proposal would result in a small number of additional dwellings within an urban area where future occupants would have easy access to services and facilities. The scheme would make efficient and effective use of an existing building and would represent a small scheme which could be delivered quickly, in line with the requirements of paragraphs 70, 123, 124 and 128 of the Framework. There would be economic benefits associated with the construction phase of the development and longer term social and economic benefits as a result of the provision of new housing. Notwithstanding this, given the scale of the scheme, I attach limited weight to these benefits.

- 17) Paragraph 135 of the Framework states, amongst other things, that development should be well designed and sympathetic to local character, which the appeal proposal fails to achieve. Given the effects of the scheme would be long lasting, I attach significant weight to the conflict with the Framework in this respect.
- 18) I therefore find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. Therefore, the presumption in favour of sustainable development does not apply in this case.

Conclusion

- 19) For the reasons given above, the proposal conflicts with the development plan as a whole. The material considerations, including the Framework, do not carry sufficient weight to outweigh the harm, nor do they indicate that the appeal should be determined other than in accordance with the development plan. Having considered all matters raised, I conclude that the appeal should be dismissed.

G Dring

INSPECTOR