



Appeal Decision

Site visit made on 17 January 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/W2465/W/24/3348405

22 Barker Street, Leicester LE5 3LF

- 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 J Singh against the decision of Leicester City Council.
 - The application Ref is 20240835.
 - The development proposed is change of use of dwellinghouse into 4 flats; external alterations and extension to property; front and rear dormers; roof alterations; extension and alteration to outbuilding (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refers to the development as being for 3 flats and one dwelling and altered the description accordingly. Nevertheless, the description in the banner heading above, as found on the application form, combined with the submitted plans, accurately describe the scale and form of development. I have, therefore, determined the appeal on this basis.
3. The National Planning Policy Framework (the Framework) was revised in December 2024 and the main parties have been consulted on the implications of the revised Framework's publication on the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would provide satisfactory living conditions for future occupiers with regard to internal space and private outdoor space; and
 - the effect of the proposal on the living conditions of the occupiers of No 42 (No 42) Percival Street with regards to sunlight and daylight.

Reasons

Character and appearance

5. The appeal site is in an area characterised by generally small, two storey, terraced houses, with no front gardens. However, No 22 Barker Street (No 22) located on

the corner of Barker Street and Percival Street, is larger, similar in scale to No 13 Barker Street on the opposite corner.

6. The position of No 22 means that it has a prominent gable elevation, with a centrally located front door, and windows over three floors. The pitched slate roof has a slight hip on the side and a tall brick chimney. To the rear is a two storey off shot, with a pitched roof.
7. On the elevation fronting Percival Street, a pitched roof dormer would replace an existing rooflight. Whilst I saw that front dormers are not a common feature on the surrounding housing, there is one on No 38 Percival Street. On the rear, a flat roofed dormer would extend from the main roof, above the existing two storey off shot, to enlarge the existing roof space and create a flat on the 2nd floor. This would result in a brick, side elevation, almost as high as the apex of the roof, which would tower over one side of the site and appear unduly prominent, particularly from the rear gardens of properties along Percival Street to the north.
8. The characteristic feature of the surrounding area is slate pitched roofs. Therefore, the contrast between these and a mansard style, green roof, within an area of traditional terraced houses, would appear incongruous in this location. Additionally, the proposed dormer windows, inserted just below the apex of the roof and protruding beyond the side wall, would be unsympathetic to the existing window openings on the house. These would be visually harmful and emphasise the massing of the extension. Overall, the design of the extension would be dominant and visually discordant, compared to the balanced, stepped effect, of the existing roof forms on the property that mirror the gentle slope of Barker Street.
9. Whilst the annex is currently compact in form and appears subservient to the host dwelling, it would be enlarged, and the roof raised to also create a flat, green, mansard style roof. Although the appellant has stated that this roof form is a common feature in the area, no evidence of similar buildings has been provided. However, the change from a traditional pitched roof on a small building, to a larger building with a mansard roof that incorporates a dormer window in the side elevation facing Barker Street, would undermine the character of the area, and overwhelm the rear of the site.
10. Although a sustainable design has been sought, and materials have been matched across the site, there is no substantiated evidence of the proposed planting for the green roofs, or their future management. Otherwise, if not appropriately maintained, it would result in additional visual harm to the site.
11. Overall, the increase in development at the side and rear of the site would not be subservient to the existing house and would be unsympathetic to the property and the housing around it. Consequently, I conclude that the proposal would result in substantial harm to the character and appearance of the area.
12. It would not accord with Policy CS03 of the Leicester City Core Strategy, 2014, (CS) which requires high-quality, well-designed proposals that contribute positively to the character and appearance of an area. Additionally, it would not accord with Chapter 12 of the Framework.

Outdoor and indoor space

13. The back gardens of properties in this area are relatively small. However, the siting of the annex building at the rear of No 22 will have already reduced the outdoor garden space. This currently consists of areas of hardstanding at the side and rear of the property, which would be further reduced following the proposed enlargement of the annex.
14. The Council's Residential Amenity Supplementary Planning Document, 2008, requires 1.5m² of outdoor space for a one bed flat, and 50-75m² for a single mews or terraced dwelling. Notwithstanding that the parties disagree as to whether the converted annex would be a flat or a single dwelling, based on four flats on the site, a minimum of 6m² of outdoor space would be required. The appellants state that 10.7m² of communal space would be provided, which would include bin storage for four flats and the storage of four bicycles.
15. The submitted plan has been annotated to show a refuse store area, but there is no layout plan showing the communal area with the required number of bins and appropriate cycle storage. Therefore, there is limited substantive evidence that the minimum level of 6m² of outdoor space would be provided. Nevertheless, from my observations, sharing such a limited space with rubbish bins and bicycles would be unlikely to provide a usable space where occupiers would wish to spend time.
16. The proposal would provide one, open plan flat per floor within the host property. The enlargement of the existing annex would create a residential unit with its own front door. This would have an open plan living area and a shower room on the ground floor, with a bedroom on the 1st floor.
17. As the Council does not have a development plan policy regarding internal space standards, the Nationally Described Space Standard¹ (NDSS) cannot be applied. Notwithstanding this, the amount of space within the annex would be limited, with no storage areas provided. Moreover, the ground floor has a shower room and staircase to the 1st floor which already reduces the overall floor space, even before kitchen facilities and equipment are inserted. Additionally, room to dry clothes, store cleaning materials, as well as space to eat and relax is required. Overall, the amount of space within the annex would not provide an acceptable level of accommodation.
18. Therefore, I conclude that the proposed development would result in significant harm to the living conditions of future occupiers by not providing adequate internal space within the converted annex building, and an inadequate amount of outdoor space for the four properties.
19. It would not accord with Policies H07 and PS10 of the Leicester Local Plan, 2006, (LP) which combined, requires development to assimilate into an area and provide a satisfactory living environment when existing buildings are converted to self-contained flats. Additionally, it would not accord with chapter 12 of the Framework which requires a high standard of amenity for existing and future occupiers.

¹ Technical housing standards – nationally described space standard, 2015

Living conditions of No 42

20. No 42 Percival Street is a narrow, terraced house, with a small rear garden. It is next to, and north of No 22. Therefore, the rear of the house and the garden would have morning sunlight, as it faces east.
21. I observed that a high, brick, boundary wall runs between No 42 and No 22 which provides privacy for ground floor windows. However, the position of the wall and the narrowness of the space, would already reduce natural light at the rear. Moreover, I noted that a 1st floor window, likely for a bedroom, on the rear of No 42, is set further back than a window at the same height at No 22. Therefore, the existing side elevation of No 22, combined with the position of No 42's two storey offshot, would already result in reduced light levels to this room. This would be compounded by the construction of the rear dormer extension, including increasing the height of the existing two storey offshot, which would block light to this room even more. Overall, the proposal would result in light levels to the rooms at the rear of the house being significantly reduced.
22. Combined with this, the enlargement and increase in height of the annex would create a sense of enclosure to the rear garden of No 42 and reduce sunlight and daylight from the south. I saw that No 42's garden has some mature bushes, and even if the garden is considered by the appellant to be overgrown, it should be capable of providing a usable outdoor space for existing and future occupiers of the property. Instead, the proposed development, because of its position and the increase in height, would lead to a loss of light which would result in substantial harm to the usability of this area.
23. I therefore conclude that the loss of daylight and sunlight to No 42 would cause substantial harm to the living conditions of the occupiers of this property. It would not accord with LP Policy PS10 which requires the amenity of existing residents to be considered. In addition, it would not provide a high standard of amenity for existing and future occupiers as set out in chapter 12 of the Framework.

Other Matters

24. The appellant refers to extensions approved in 2019 at No 105 Wilberforce Road, which he considers sets a precedent for this type of proposal. However, even if it is also within an area of terraced housing, the photographic evidence suggests a more open aspect to the rear, with no annex building. Whilst the development plan has not changed since that decision was reached, there have been revisions to the Framework. Notwithstanding this, the circumstances in each proposal are likely to be different, and in any event, the fact that apparently similar development has been granted permission, is not a reason, on its own, to allow unacceptable development.
25. A building to the rear of No 13 Barker Street, which is opposite the site and is used as a separate flat, is cited by the appellant as being comparable to the annex at No 22. The Council has confirmed that the building has no planning permission and is immune from enforcement. Consequently, the building has not been assessed against policies in the development plan or the Framework. Moreover, I have no plans or substantive evidence that would lead me to consider that the building is comparable to the appeal proposal.

26. The appellant has cited several cases considered by the Courts, including Barnwell Manor. However, whilst this considered the weighing up of public benefits against any harm, this related to the setting of listed buildings, which does not apply in this appeal. The Barker Mill Estates case related to the adoption of a local plan and the presumption in favour of sustainable development, and the Redhill Aerodrome Ltd was for a runway in the Green Belt. Therefore, both these cases are of limited weight in the determination of this appeal.
27. Whether the conversion of the annex building would result in a flat or a new dwelling is a matter of dispute between the main parties. However, as I am dismissing the appeal, this does not need to be considered further.

Planning Balance

28. The proposed development would provide an additional three new residential units, and the Council has stated that it cannot demonstrate a supply of deliverable housing sites. Therefore, given the shortfall in housing supply, paragraph 11d) of the Framework needs to be considered. There are no policies in the Framework that protect areas or assets of particular importance, and which provide a strong reason for refusing the development as set out in paragraph 11d) i. Therefore, I must consider whether 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, as set out in paragraph 11 d) ii.
29. However, I have found that the proposal would result in significant harm to the character and appearance of the area, the living conditions of No 42, and the living conditions of future occupiers. Whilst the proposal would provide some limited economic benefits in the conversion of the house and annex, the house is already occupied. Therefore, the social and economic benefits from the development would be more limited, as the current occupiers would already be contributing to the viability of services and facilities in the area.
30. Consequently, having regard to all matters raised, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, planning permission should not be granted.

Conclusion

31. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and warrant a decision other than in accordance with the development plan.
32. For the reasons considered above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR