



Appeal Decision

Site visit made on 2 April 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/W2465/W/25/3358929

104 Livingstone Street, Leicester LE3 0QY

- 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 Mandeep Sidhu against the decision of Leicester City Council.
- The application Ref is 20241697.
- The development proposed is change of use from house (Class C3) to two self-contained flats (2 x 1 bed) (Class C3).

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Mandeep Sidhu against the Council. This is subject to a separate decision.

Preliminary Matters

3. The main parties agreed an amended description of development compared to that given on the original application form. Therefore, I have used such, as included on the appeal form and on the Council's decision notice. This appropriately describes the proposed development and no party would be prejudiced by it.
4. During the appeal process, the Council identified that Policy Ho09 of the emerging new Local Plan (ELP) for the period 2010- 2036 is relevant to the appeal proposal. Examination hearings took place in regard to the ELP toward the end of 2024 with a post hearing letter issued by the examining Inspectors in January 2025. Having regard to this and the National Planning Policy Framework (the Framework), the ELP is at an advanced stage and so, I give considerable weight to this policy.
5. Also, in reaching my decision I have had regard to the evidence base for the ELP including the Leicester & Leicestershire Housing & Economic Needs Assessment (as updated June 2022) (HENA).

Main Issue

6. The main issue is the effect of the proposal on the Council's housing strategy for the area.

Reasons

7. Policy CS6 of the Leicester City Core Strategy (July 2014) (CS) sets out that careful consideration will be given to conversions and further sub-division of flats, to ensure no adverse impact on the character of the area. It explains that, in particular, the conversions of existing large houses will be resisted where it would

be still appropriate for family use and meet the demand for this type of accommodation. Policy CS8 of the CS requires all new housing to accord with Policy CS6 and sets out that in Inner Areas, it is the Council's priority to retain good quality existing housing for which there is demand. In particular in Spinney Hills, Belgrave, and other neighbourhoods where there is an identified demand, large houses appropriate for family use should be retained, and conversion to other types of accommodation resisted.

8. Saved Policy H07 of the City of Leicester Local Plan (January 2006) (LP) permits the conversion of existing buildings to self-contained flats provided the proposal is satisfactory in respect of a number of criteria. This includes consideration of the loss of family accommodation, having regard to the size and nature of the accommodation and the effect on the character of the surrounding area.
9. Policy Ho09 of the ELP sets out that planning permission will not be granted for the conversion of 2 or 3 bedroom houses into flats. The supporting text sets out that it is the Council's aim to retain good quality existing family housing. The policy explains this will be informed by the Local Housing Needs Assessment 2022 or any future update to housing need evidence and that, where the proposal is for the conversion of a residential property which has 2 or 3 bedrooms to flats, the Council will not support the proposal subject to the new evidence provided by the study.
10. Having regard to the HENA, June 2022, although the greatest need is for additional three-bedroom homes, there is also a demonstrated need for two-bedroom homes in Leicester. Furthermore, it sets out that based on the evidence, it is expected that the focus of new market housing provision will be on 2-bed and 3-bed properties.
11. The appeal site is within an area that is covered by an Article 4 direction, which prevents the change of use of dwellings to houses in multiple occupation (HMOs). This was put in place due to the existing over concentration of such types of properties in the area and, to seek to prevent the further loss of family housing in this part of the City. Therefore, while the Article 4 is not directly relevant to the proposed development, as it is not for a HMO, such demonstrates that there is a particular concern about the loss of family homes in the local area.
12. As asserted by the appellant, the existing dwelling has an impractical internal layout. Also, the proposal would retain 2 bedrooms within the property and improve the living conditions of occupiers compared to the existing internal arrangement, aligning with national policy to provide quality housing. However, despite such matters, the appeal dwelling is currently a two-bedroom property, capable of functioning as a family dwelling.
13. Even though the appeal dwelling is not a large family dwelling, it would involve the loss of an existing 2-bedroom, family house in an area where there is demonstrated need for such sized dwellings and an existing over concentration of non-family dwellings. Consequently, the further loss of a family home in the area would have a negative effect on the character of the area, even though the proposal would be acceptable in terms of other matters, including parking, highway, and the living conditions of existing neighbours and the future occupiers of the flats.
14. Therefore, having regard to the above, the proposal would harmfully affect the Council's housing strategy for the area, in conflict with Policy H07 of the saved LP, Policies CS06 and CS08 of the CS and emerging Policy Ho09 of the ELP.

Other Matters

15. The appeal site is in a sustainable location and the proposal would promote the best use of existing land, supporting limited housing growth on a small site, in an established housing area. Consequently, the proposal aligns with the Framework in some respects. Additionally, there is no dispute between the main parties about the level of amenity for future occupiers of the flats or neighbour's amenity, highway and parking matters and waste storage and collection. While these are positive elements of the proposal, which I give some weight to, such matters would be expected of most new housing developments and the scale of the development is small.
16. The Council's officer delegated report and decision miss-referenced various facts and matters about the proposal, although such actions do not affect my findings on the main issue.

Conclusion

17. For the reasons given above, the proposal would conflict with the development plan as a whole and material considerations, do not indicate a decision should be made other than in accordance with it.
18. Accordingly, the appeal should be dismissed.

C Billings

INSPECTOR