
Appeal Decision

Site visit made on 25 May 2025

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/W2465/W/25/3360675
70 Davenport Road, Leicester LE5 6SA

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Ashraf Rahil against the decision of Leicester City Council.
 - The application reference is 20241162.
 - The development proposed as described on the Application Form is a 'Change of use from a residential annex to a 1 bedroom dwelling.'
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether the existing building is appropriately designed to accommodate the proposed change of use and its impact upon the character and appearance of the existing site and the locality; and
 - The effect of the proposed change of use upon the living conditions of the future occupiers of the site, with particular regard to outlook and access to light.

Reasons

Character and Appearance

3. The appeal property is located along Davenport Road which is a residential road that contains a mix of detached and semi-detached two storey dwellings. Many of the dwellings have paved over their front gardens, however some grass verges and hedges are seen further along the street, with gaps between dwellings giving glimpses to tops of trees within rear gardens.
4. The appeal site lies to the corner of Davenport Road and Withcote Avenue and is an existing one and a half storey building that was constructed to the side of the existing dwelling to be utilised as an annexe. The building has a pedestrian entrance to the front of the property, with a pitched roof to the front and rear with a large flat section to the centre of the roof which gives an awkward appearance within the street scene. Roof lights are located within the roof pitch of the annex building.

5. In assessing new development, the Leicester City Council Core Strategy (CS) Policy CS03 is a design led policy which has a number of design criteria to adhere to such as being high quality, well designed, fit for purpose, respond positively to the character of the area in terms of materials, height, scale, and massing, amongst others.
6. I acknowledge comments in the Appellant's Statement of Case (SoC) that the building is existing and was assessed as appropriate as a new contribution to the street scene as part of a former planning consent. Whilst this is true, the assessment was for an annexe, rather than a dwelling, where it appears that the Council gave weight and concessions to the design of the scheme given the association with the main dwelling. The Council's SoC comments that they are appreciated together with the annexe building having the appearance of a converted garage and experienced in relation to the main dwelling. Put another way, if a proposal came for a purpose-built new dwelling that replicated the appearance of the current annexe, such a building as constructed would be inappropriate given the lack of conformity with the existing locality and that the nature of the design which is a dwelling rather than an annexe.
7. Whilst the design of the floorplan meets minimum housing standards in terms of area and has an appropriately designed garden space, the design of the dwelling in terms of the roof form and visual appearance has not been designed as a separate dwelling, where there is more consideration around the status and fitness for its use compared to that of an annexe. As a result, the upper floor has not been designed appropriately given that this will not allow an appropriate amount of outlook and light to the upper floor (further considerations around living conditions are discussed in the next section). A purpose-built dwelling will have been designed to achieve appropriate levels of light, as it appears in this annexe that it was not the intention that the storage space be designed so that it contains the only habitable bedroom.
8. I can also appreciate the benefits of the proposal, such as the creation of an additional dwelling which makes a small contribution to the delivery of small sites, the socio-economic benefits from local expenditure, and the short-term economic benefits from the conversion of the building. Despite these benefits, this does not outweigh the harm caused by the design of the scheme not being fit for purpose.
9. Taking the above into account and in conclusion of this matter, whilst I accept that the building as an annexe has been visually part of the street scene, the building has not been designed appropriately so that it can function as a dwelling that would meet CS Policy CS03 in terms of the building being designed to be fit for purpose.

Living Conditions

10. The original annexe building appears to have been designed so that the floor space within the roof is used as storage, and which is now proposed to be a bedroom. The space is illuminated by rooflights so that there is no ability for a future occupier to look out of a conventional window that is within a wall. Typically roof lights are utilised as a secondary means of gaining light, whereas in this case they would be the sole provider of natural light to the bedroom. The result would be an oppressive living environment with outlook that is limited to small rooflight windows. This further highlights that the problems associated with converting such a building to a dwelling as this is beyond its original purpose. The result being a poor living environment for the bedroom that has very limited access to natural light and outlook. I am not

persuaded by the Appellant's comments that because this is a one-bedroom dwelling that the occupants are 'less likely to require expansive external views' and I have no evidence to support such a claim.

11. I can appreciate the Appellant's comments with regards to dwellings in urban environments converting their lofts to allow a bedroom that is only illuminated by rooflights; however, loft conversions such as mentioned are typically beyond the realms of planning and considerations of the policies of a development plan. Additionally, these situations also are larger dwellings with greater living spaces and more than one bedroom. The living spaces in this building are very small, with the sole bedroom not having appropriate access to light and outlook, which would be significantly detrimental to the living conditions of future occupants. Consequently, and in conclusion of this matter, the proposed scheme would be contrary to CS Saved Policy PS10 which seeks that development does not cause unacceptable effects to the amenity of neighbouring occupiers

Other Matters

12. I note commentary from the Appellant's SoC around the Appellant receiving an email from a Case Officer saying that the application was recommended for approval, and that the Officer changed their mind after consultation with more senior colleagues. Whilst I appreciate that the Appellant may feel aggrieved by the Council changing its mind midway through the application process, this is a common practice in planning departments, where senior colleagues will be advising more junior colleagues which may result in decisions being changed. I cannot take into account this discussion before determination of a planning decision which showed that the Delegated Decision was one of refusal.

Conclusion

13. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR