



Appeal Decision

Site visit made on 13 August 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/W2465/W/25/3363279

29 Nottingham Road, Leicester LE5 3TT

- 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 Patel against the decision of Leicester City Council.
 - The application Ref is 20240742.
 - The development proposed is described as 'Retrospective application for Change of Use from 7 x Flats (7 x 1 bed) to 11 Flats (11 x 1 bed); Class C3.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that the development has been completed in September 2023. Therefore, the development is retrospective. I have considered the appeal on this basis.

Main Issue

3. The Council's decision notice outlines two reasons for refusal. However, one of the reasons for refusal, which relates to a Flood Risk Assessment, has been withdrawn at the appeal stage in the light of the evidence submitted by the appellant. Therefore, the main issue is:
 - whether the development provides adequate living conditions for the occupiers with particular regard to floor to ceiling height, light, and outlook.

Reasons

4. The appeal site relates to a residential building which accommodates 11 flats, 4 of which are the subject of this appeal scheme. The 4 flats for which retrospective permission is sought are located at the second floor, within the roof space of the building.
5. The submitted floor plans indicate that the floor area of the flats varies between 40 and 47 square metres, and the cross-section plan shows a maximum floor to ceiling height of approximately 2.530 metres. However, due to the roof slope, in a considerable part of the living areas/bedrooms the floor to ceiling height does not allow occupiers to be in a standing position. I observed during my site visit that, due to the limited floor to ceiling height, the space is used for storage or accommodates beds and sofas where residents are constrained to sit or lay down, leaving limited floor area where residents can be in a standing position. Whilst there are variations in the layout of the flats, overall, I find that due to the constraint

caused by the floor to ceiling height, the development fails to achieve adequate internal space, to the detriment of the living conditions of the occupiers of these flats.

6. Giving their siting within the roof space, all 4 flats are served only by roof windows. Most of the living areas/bedrooms are served only by one roof window, which limits the amount of natural light that reaches the rooms, and severely affects the outlook of these habitable rooms. Whilst two of the kitchen/living areas of the 4 flats have two roof windows, overall, the flats do not provide high amenity standards in terms of light and outlook. Accordingly, the poor outlook and limited amount of natural light are detrimental to the living conditions of the occupiers of these flats.
7. In conclusion, the development fails to provide adequate living conditions for the occupiers, with particular regard to floor to ceiling height, light, and outlook. Therefore, it conflicts with the aims of saved Policies PS10 and H07 of the City of Leicester Local Plan 1996 – 2016 adopted 2006, which collectively state that it is important to provide residents with a quality living environment. Furthermore, the development also conflicts with the aims of the National Planning Policy Framework (the Framework) which, at paragraph 135, requires a high standard of amenity to be achieved for existing and future users.

Other Matters

8. The appellant has drawn my attention to a housing and homelessness review, which highlights the need for more affordable housing. The appellant asserts that the flats subject to this appeal offer more affordable accommodation in an area where there is a need for such housing. In addition, the location of the appeal site offers access to a range of services and facilities, as well as to employment opportunities. However, these elements do not justify the inadequacy of the development in terms of floor to ceiling height, light and outlook.
9. The Council found the development acceptable regarding all the other aspects apart from living conditions. Given the evidence before me, I have no reason to disagree. However, these are neutral matters rather than ones that carry positive weight for the development.
10. The development makes effective use of land and adds to the housing stock. The appellant has also drawn my attention to the social, economic and environmental benefits of having the development in this location. Given the small scale of the development, these benefits are limited, and do not outweigh or justify the harm identified above. Furthermore, as the development fails to achieve the Framework's required high standards of amenity, it cannot be considered sustainable development.

Conclusion

11. For the reasons set out above, I conclude that the development conflicts with the development plan as a whole and there are no material considerations, including the Framework, that outweigh that conflict. Therefore, the appeal is dismissed.

Andreea Spataru

INSPECTOR