



Appeal Decision

Site visit made on 23 September 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/W2465/W/25/3367909

83 Lytton Road, Leicester LE2 1WL

- 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 Mrs J Banning against the decision of Leicester City Council.
 - The application Ref is 20250455.
 - The development proposed is a change of use from a dwellinghouse to 2 self-contained flats (1 x 1 bed and 1 x 2 bed) (Class C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effects of the proposal on the stock of family sized housing and the maintenance of a mixed community in the local area; and
 - ii) Whether the proposal would provide adequate living conditions for future occupiers of the ground floor flat, in terms of privacy.

Reasons

Family-sized housing

3. 83 Lytton Road is an end of terrace 4 bedroom house stretching well to the rear of its narrow plot, on a street of similar houses within the Clarendon Park area of the city. The proposal would convert the house into 2 flats – a 1 bedroom flat on the ground floor and a 2 bedroom flat on the first and second floors. Both the existing and the proposed uses would fall within Use Class C3 (dwellinghouses)¹.
4. The Council's concern is that the proposal would cause the loss of a family-sized house for which it says there is a general need and demand. Core Strategy policy 6 aims to ensure that housing meets the needs of the city's residents. It says that careful consideration will be given to conversions to ensure there is no adverse impact on the character of the area or the maintenance of mixed communities. In particular, the policy resists conversion of large houses where the house would still be appropriate for family use and would meet an identified demand for this type of accommodation.

¹ Town and Country Planning (Use Classes) Order 1987 (as amended)

5. City of Leicester Local Plan (CLLP) policy H07 generally encourages the creation of new flats though the conversion of existing buildings, subject to a set of criteria including assessment of the location, nearby uses and the potential loss of family accommodation.
6. The Council has not brought forward any statistical evidence to show a greater need or demand for family housing in this area compared to flats, or to show an ongoing risk of the local community losing mix and balance. The Friends of Clarendon Park and other local objectors refer to the area being close to 2 universities so that there is a high demand for student housing and an increasingly transient population. Again, however, no actual evidence is provided. Objectors also refer to an emerging draft Leicester Local Plan 2020-2036, but the Council has not suggested that this document carries any significant weight at this point in the plan process, or referenced any of its policies.
7. Both the Council and objectors refer to an Article 4 Direction² for this area, removing normal permitted development rights for conversion of Class C3 single family housing into Class C4 housing in multiple occupation (HMOs). In a 2022 appeal³ for the conversion of a house to flats on another local site, the Inspector found that the existence of this Direction serves to demonstrate the Council's intention to carefully manage the housing mix and address any population imbalance in the area. I agree that this is the case, but I have not been given any up to date evidence to back this up. In that other appeal the Inspector referenced the Council's 2017 Housing and Economic Development Needs Assessment, but that document is now some 8 years old and has not been relied on by the Council in this appeal.
8. The clearest statement of a strong demand for smaller housing, such as might imbalance the local community of Clarendon Park, appears to be in the CLLP which says that there is a concentration of student housing in areas close to the 2 University campuses, notably the West End and Clarendon Park. The CLLP was published in 2006, however, and more recent evidence in the Council's Local Housing Needs Assessment Update 2021 (LHNA - published, with a later addendum, in 2022) says that the case for additional student bedspaces in Leicester is less pressing than was found in the 2019 LHNA, based largely on evidence of a trend towards student accommodation developers seeking to change student developments to general residential use. It also confirms that the city-wide demand for housing is strongest for 2 and 3 bedroom homes, with only around 10% of total need being for 4+ bedrooms. I take the 2021 LHNA to be the best, most up to date evidence regarding housing need.
9. The 2021 LHNA evidence is backed up to some extent by marketing data provided by the appellant, which appears to suggest that a significant number of family sized houses have been available for rent in the local area. The appellant has also provided a statement from a local property agent to much the same effect, but that document is not by a named person, is not signed or dated and includes no professional qualifications, so I give it very little weight in my assessment.
10. In weighing all of these points up, it is important to note that the proposal is for flats, not an HMO. There is no indication that the units would be for student housing

² Article 4 of the Town and Country (General Permitted Development)(England) Order 2015 (as amended)

³ APP/W2465/W/22/3290932

(though this could still be the case). I find that there is a general need for housing of various sizes in the city, with no convincing evidence of an overriding need for larger, family sized houses in this area. I also see no reason to believe that allowing this appeal would significantly imbalance the local community. I conclude that the proposal would not significantly or unduly affect the stock of family sized housing or the maintenance of a mixed community in the local area. It therefore accords with Core Strategy policies 6 and 8, CLLP policy H07 and the Framework, which aim to meet housing requirements and boost the supply of housing, including through the conversion of buildings to flats, and to create sustainable neighbourhoods where people choose to live and work.

Living conditions

11. The proposed division of the building into flats would, however, be awkward within this restricted site. The 2 bedroom upper level flat would be of a size which would reasonably need access to outdoor garden and storage space and could only access the proposed shared garden through a narrow side passageway. The main door and one window of the ground floor flat would have restricted views directly onto this passage. That door and window provide the only light, air and outlook to the flat's living room and kitchen, so that they could not reasonably be obscure glazed and would need to be kept open at times. Residents of the upper level flat using the passage would have to pass right next to these openings, so that occupiers of ground floor flat would find their home badly lacking in privacy.
12. I recognise that people living in flats with communal garden space should not necessarily expect the same level of privacy as occupiers of houses with private gardens. The lack of privacy here would be serious enough, however, for me to conclude that the proposal would not provide adequate living conditions for future occupiers of the ground floor flat. It conflicts in this respect with CLLP policy PS10 and the Framework, which aim to create places with a high standard of amenity for existing and future users, including in terms of privacy.

Planning balance and conclusion

13. The proposal would make efficient use of an existing building to (marginally) increase the number of housing units available in the city. The Council concedes that it does not have the required 5 year supply of deliverable housing sites. In accordance with Framework paragraph 11(d) and Footnote 8, this means that the most important development plan policies for determining this appeal are considered to be out of date and the 'tilted balance' set out in Framework paragraph 11(d)(ii) applies.
14. I find, in any case, that the proposal would not conflict with the development plan policies regarding family homes and mixed communities. Having regard to Framework paragraph 135(f), however, my concerns regarding the living conditions of future occupiers are sufficiently compelling for me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR