



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/25/3368232

4 Granby Place, Leicester LE1 1DF

- 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 L Akhter for Nexus Realty Ltd against the decision of Leicester City Council.
 - The application Ref is 20250552.
 - The development proposed is the change of use of part ground floor and first floor from office (Class E) to one self-contained flat (1x1 bed) with installation of door at front and 2 windows at side (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the proposed development on the application form¹ is too vague to be meaningful. I therefore use the more accurate wording from the Council's refusal notice in the heading above. The references to Classes E and C3 relate to the use classes set out in the Town and Country Planning (Use Classes) Order 1987 (as amended)².

Main Issue

3. The main issue is whether the proposal would provide a safe environment and adequate living conditions for future occupiers of the flat.

Reasons

Safety and living conditions

4. Granby Place is a short, narrow alley within the city centre, leading to a service yard and parking area. It has security gates near its junction with Granby Street, which were open at the time of my visit. At one end of the service area is a 2 storey vacant commercial building, No 4. The proposal is to convert the first floor to a one bedroom flat, with an entrance hall and storage spaces on the ground floor.
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

¹ "Proposed change of use from to create one self contained"

² Class E = commercial, business and service uses; Class C3 = dwellinghouses

including assessment of the location and nearby uses and the creation of a satisfactory living environment.

6. The yard around the building is mainly taken up with bin storage and parking and also provides rear access to the buildings fronting Granby Street. Although some of the surrounding buildings have windows facing the yard, the degree of natural surveillance of this area must be fairly poor during hours of darkness, when neighbouring commercial units would mainly be closed. Future residents of the flat and their visitors would have to walk up the alley between brick walls and bins, take a sharp turn into the yard where they would walk past more bins, out of sight from the street. The proposed residential use would be expected to involve more night-time visits than would many commercial uses. The Council raises legitimate concerns about the safety of this situation which have not been adequately addressed by the appellant.
7. Outlook from first floor kitchen and bedroom windows would be somewhat restricted by the surrounding, taller buildings, but most of the higher sections of those buildings are set away from the appeal building. The outlook from the proposed flat would be no more limited than is often the case in city centre locations like this. I find nothing unacceptable in this respect.
8. A 2022 noise report submitted with the appeal advises that, with mechanical ventilation (to reduce the need to open windows) the flat would be adequately protected from noise from nearby commercial uses. I accept these findings, though they are becoming somewhat dated. The report, however, refers to a previous proposal for conversion of the whole building to 2 flats, so does not consider any potential noise from a new commercial use on the retained ground floor section. The Council is rightly concerned that if this was used for a noisier Class E use such as a restaurant, this could cause nuisance to occupiers of the upstairs flat. I consider, however, that this matter could potentially be dealt with by condition(s) if permission was granted, precluding use of the ground floor premises for one or more of the potentially noisier uses in Class E.
9. Although I am satisfied that (subject to conditions) the proposal would be acceptable in terms of outlook and noise, I conclude that it would not provide a sufficiently safe environment for future occupiers. It therefore conflicts with CLLP policies H07 and PS10 and paragraph 135(f) of the National Planning Policy Framework (the Framework), which aim to ensure a safe and satisfactory living environment. The Council also refers to Core Strategy policy 6 and CLLP policy PS11 here but I see no clear conflict with those policies.

Other matters

10. The appeal site is within the Granby Street Conservation Area, adjoining a grade II listed building and a few other buildings shown as being of local interest on the Council's conservation area map. No 4 is, however, a modern building of no particular architectural quality, tucked away out of view in a service yard. It therefore has very little heritage significance. Subject to appropriate control of materials and details, bringing it back into at least partial use would be a positive step, representing a minor enhancement of the character and appearance of the conservation area and the setting of the listed building. This weighs in favour of the proposal.

11. I note that the building has been vacant for some time. The appellant states that attempts to rent the building out have met with no interest. Leaving the building vacant in the longer term is an inefficient use of the resource and could attract anti-social behaviour. I have not, however, seen any evidence of marketing, for example in terms of uses, price, advertising, duration or queries received. In these circumstances I am not convinced that the only viable use for the building is residential, or part-residential as is proposed here. I do not find this to be an overriding factor.
12. I have also considered the other points raised by local objectors. In particular, I see no reason why residential use here should unreasonably prejudice neighbouring commercial units, subject to the noise mitigation measures recommended by the appellant's noise assessment. Fire escape routes would be dealt with under separate legislation.

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. Having regard, however, to Framework paragraph 135(f), I find that my concern regarding the safety of future occupiers is sufficiently compelling for me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, including the provision of an additional home and a minor enhancement of the heritage assets. 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