



Appeal Decision

Site visit made on 6 May 2026

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2026

Appeal Ref: APP/W2465/C/26/3377355

2-4 Colton Street, Leicester, LE1 1QA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Millrock Limited against an enforcement notice issued by Leicester City Council.
 - The Notice was issued on 4 December 2025.
 - The breach of planning control as alleged in the Notice is 'Without planning permission, the construction of a two-storey extension to the roof of the building'.
 - The requirements of the Notice are to: 1. Demolish the two-storey extension and all associated infrastructure from the roof of the property. 2. Make good the original building to bring it back to its original form prior to the extension being built. 3. Remove all waste building materials resulting from point 1 from the site.
 - The period for compliance with the requirements is: six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by the deletion of the words 'six months' and their substitution with the words '12 months' as the time for compliance.
2. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background

3. A planning permission for a two-storey upward extension to 2-4 Colton Street was granted under planning permission ref. 20160519. This was later amended to provide for 18 student studio flats by pp 20181816 in 2019. However, the Council concluded that a materially different two-storey extension has been carried out. The main differences include increases in the overall height of the additional tiers and alternative external finishes. At the time of my site visit, works were ongoing.

Ground (a) and the Deemed Application for Planning Permission

Main Issues

4. The main issues are the effect of the development on the character and appearance of the building and the St George's Conservation Area, and the setting of 29 Rutland Street, a Grade II Listed Building.

Reasons

5. The site lies close to the city centre in an area of mixed commercial, residential and town-centre uses. It features an original former commercial building set immediately to the back of the pavement on the northern side of Colton Street. It lies within a line of tall buildings of generally between 4 to 7 stories high. The building's frontage is constructed of rough-faced red brickwork with a coursed stone entrance with a glazed pediment above. The facade features ornate horizontal stone cornices and string courses. Prominent brick piers provide a vertical emphasis to the building with deeply recessed panels containing stone silled window openings set above dentilated brickwork.
6. The upward extension has initially been constructed flush with the existing elevations of the original building. On the frontage this extends to the height of a parapet wall with poorly aligned upstands to provide enclosed balcony space for the fifth-floor units, which are set back from the main façade but flush to the rear elevation. The sixth-floor accommodation is stepped-in front and rear with enclosing parapets continuous with the faces of the lower floor. A deep roof parapet has been added directly above. All side walls are in alignment with the original building. The main facings feature smooth faced brickwork with white uPVC doors and windows.
7. According to annotated plans submitted by the appellant, the overall height of the development has increased by just over 2m on account of a requirement for structural reinforcement to support the new floors and the construction of the upper parapet. This partially encloses roof-mounted emergency vent units.
8. The construction of the extensions in a smooth-faced brick is of a lighter colour than those used in the original building. The brick provides neither a good match, nor a strong contrast with the original brickwork. While the lines between the old and new are clearly visible on the three exposed elevations, the flush extension of the main elevations create large expanses of poorly relating brickwork.
9. The combined effect of the necessity for a deeper band of brickwork above the original upper floor, the limited size of new openings, and the consecutive construction of continuous high walls and parapets devoid of horizontal banding or articulation, results in an excessive ratio of brickwork to openings. In addition to interrupting the proportioning, rhythm and pattern of the original building features, the overly large areas of featureless brickwork create a poor 'washed-out' appearance.
10. By neither faithfully reflecting the design, features and proportioning of the original building (which I understand is discouraged), nor alternatively providing a clear modern contrast to the original (which is acknowledged in the appellant's Townscape Analysis), the development simply appears incongruous with little reference to the host building nor an obvious high-quality contrast. In the absence of either of those clear design approaches, I find the scale, proportions and external appearance of the extension significantly detracts from the integrity of the architecture of the original building, draws focus and appears conspicuous because of it.
11. In support of the proposal the appellant highlights that there is a variety of materials used in the area, including brickwork of similar hue and texture; indeed, at my site visit that was observed to be the case. However, in stark contrast to the

development, the range of building materials in the locality are primarily consolidated and complimentary within the context of the building they are used in. Notably, where modern additions have been added to traditional buildings these mainly use subordinate forms, are recessive and use clearly contrasting materials to protect the focus of the original design, form and detailing. This is evident in most examples of upper floor extensions in the locality.

12. The appellant also refers to the various previous schemes granted planning permission on the site and draws some similarities between them. However, none of these would have resulted in the scale, form or external appearance of the development subject of the Notice.
13. While the use of standard uPVC framed windows and doors in the brick-built development adds little to the quality, they reflect others installed on the building and, in that context, could not be said to cause additional harm to the CA.
14. Notwithstanding, overall, by virtue of the scale, design and external appearance, I find the development represents a poor addition which detracts significantly from the character of 2-4 Colton Street.
15. The site lies within the St George's Conservation Area (the CA) and is adjoined to 29 Rutland Street, a Grade II Listed Building (LB). Under the duty imposed under ss 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing both the Listed Building or its setting or any features of special architectural or historic interest, and the character or appearance of the Conservation Area. In addition, the National Planning Policy Framework (the Framework) requires that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The CA is characterised by a high-quality regenerated townscape, including buildings with notable architecture, and an historic footing as a commercial area incorporating numerous examples of former mills, factories and warehouses about St George's Church and the associated churchyard, and areas to the north. As a good example of a former commercial building contributing to the significance of the CA, the original building at 2-4 Colton Street makes a positive contribution to it.
17. Despite the variety of ages, styles and finishes of buildings on Colton Street, or the preservation of its high-density grain, or pre-existing 'canyon-like' character, the development adversely affects the appearance and integrity of the building. The extension is a detracting feature. It is partially visible from street level and the graveyard to the rear, but will appear to many occupiers of the surrounding buildings as an obvious blot on the skyline because of its scale and appearance. It thereby undermines the positive contribution of the building in the CA and neither preserves nor enhances the designated area.
18. The Listed Building (LB) at 29 Rutland Street is attached to the western elevation of no.2-4. The protected corner building is four-storeys built in light buff-coloured brick with significant ornate stone detailing. Its significance arises from its age and architectural qualities.
19. The development overlaps with the eaves level of the LB and edges its hipped slate roof. The main parties do not dispute that the development has not had any

direct adverse effect on the fabric of the LB. Having viewed the interface between the buildings, I find no reason to disagree with that position.

20. However, on the Colton Street frontage, the upward continuation of the front façade of no.2-4 now visually extends beyond that of the LB. From the junction with Rutland Street, the increased height of the successive tiers of predominantly large areas of ill-fitting brickwork loom over, and create a poor backdrop that over dominates and detracts from views of the LB. Although the street-level locations where that perception arises are limited, I have little doubt that that harmful effect of the enlarged building is also clearly visible from nearby tall blocks of residential and office accommodation. The focus of the dominant ornate corner-turning building has been undermined by the scale, form and materials of the extensions. Accordingly, I find the development has not duly preserved the setting of the LB.
21. The rear of the development is visible within the setting of the Grade II* Listed St George's Church. The frontage can be viewed in tandem with the Leicestershire Guild for the Disabled, a Grade II Listed Building. However, because of the intervening distances, I find the effects on the setting of those heritage assets to be neutral.
22. Whilst the harm to the CA and setting of the LB would be no greater than less than substantial within the context of Paragraph 215 of the Framework, less than substantial harm does not equate to a less than substantial planning objection. Such harm should be weighed against the public benefits of the proposal. I undertake this assessment within the overall conclusion of this decision. Nonetheless, at this stage it is important to recognise that the development is contrary to Policies CS03 and CS18 of the Leicester Core Strategy [2014] (the LCS) as they require development to be well designed, respond to its setting and context, and protect or enhance the historic environment including the character and setting of designated assets.

Other Matters

23. The appellant has presented a partial alternative scheme showing alterations to the existing extension. The works include reductions in the parapet brickwork heights, changes to the external facing materials, use of glazed balcony balustrades or Juliette balconies, and a demountable rooftop railing system to provide safe working conditions, for example. They aim to address design and appearance concerns expressed by the Council and they demonstrate a degree of planning merit.
24. However, as those proposals are incomplete it is not open to me to consider them in detail or seek to secure works that were not present at the time the Notice was served. It would not be legitimately possible (and likely impractical) to impose conditions to achieve any policy compliant variation based on that submission. This limitation is not lost on the appellant and accordingly I return to the matter below. However, the alternative scheme is not a matter of weight in the overall planning balance.

Planning Balance and Conclusion on Ground (a)

25. The development would provide 18 additional residential units in a sustainable location with easy access to goods and services, including the public transport

network. It would densify the local housing provision and make effective use of the land. This is a considerable benefit of the scheme.

26. I note that the Council question whether the accommodation would meet the Nationally Described Space Standards for single person accommodation. However, I am not directed to any relevant development plan policy implementing the standard; accordingly, that contention is a matter of limited weight.
27. The appellant also highlights that the development would have no greater impact than previously approved schemes on matters such as noise, traffic and energy efficiency, for example, and would meet other policy obligations of the LCS. However, as requirements of the development plan, these are not benefits in favour of the development.
28. The appellant asserts that the occupation of the units would generate additional Council Tax revenue for the Council. However, this would not necessarily apply if used for student accommodation; but, in any case, Council Tax is a mitigation charge not a financial benefit of a development.
29. The appellant contends that the Council is currently unable to demonstrate a five-year housing land supply such that the presumption in favour of sustainable development in Paragraph 11d) of the Framework should be engaged. The lack of housing land supply is not disputed by the Council.
30. However, I have found that the development conflicts with up-to-date policies in the development plan and the Framework which seek to secure high standards of design and preserve or enhance the St George's Conservation Area and the adjacent Listed Building. As the extension is designed to last for tens of years such that the harm would persist for a significant period, I find the public or private benefits of the additional housing delivery would not outweigh the totality of the harm. Accordingly, the protected heritage assets provide a strong reason for refusing planning permission and the 'presumption' in Paragraph 11d)i. of the Framework does not apply.
31. For those reasons, I find the development conflicts with the development plan read as a whole and there are no material considerations, including the Framework, that outweigh this conflict. The appeal on ground (a) should not succeed.

Ground (f)

32. This ground of appeal is that the steps required by the Notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity caused by the breach.
33. In this case, the Notice alleges the construction of a 2-storey extension and requires that it be removed. The Notice does not 'under-enforce' and the purpose of the Notice must be to remedy the breach. While it is open to me to consider alternatives to the complete demolition, as considered under the ground (a) appeal, there is insufficient information before me to secure any alternative which may prove policy compliant. However, regardless of that finding, it is open to the appellant to continue communication with the Council to that end.
34. For the avoidance of doubt, there is no dispute between the main parties that the as-built scheme is materially different from that approved in 2019, nor that that

permission has since expired. Accordingly, I understand that there is no fallback to the implementation of that permission.

35. For the reasons above, there are no obvious alternatives before me to remedy the breach of planning control and the appeal on ground (f) therefore fails.

Ground (g)

36. This ground of appeal is that the period for compliance specified in the Notice falls short of what should reasonably be allowed. The appellant asserts that the specified six-month period would be insufficient to complete the extent of the required works, including the removal of large structural steels. It would also frustrate attempts to resolve the breach through further submissions to the Council.
37. My role here is to balance the public interest in securing expeditious compliance with the enforcement notice against the private interest bound up in the development subject to the Notice. I have little doubt that the extent of the demolition works would be significant and require careful planning for the removal of the extension and the reinstatement of the building. Furthermore, the appellant has demonstrated that alterations could be made to the extension in order to improve the design and appearance of the development with a view to overcoming some of the Council's reasons for issuing the Notice.
38. The 18-month period suggested by the appellant would not achieve expeditious resolution. However, an extended period of 12 months would, to my mind, strike a reasonable balance to enable both compliance and/or an opportunity for the appellant to seek alternative resolution. While I note the Council's concerns that any further grant of planning permission might nullify the effects of the Notice in whole or part, it would nevertheless be open to the Council to serve a further Notice in the event it considered it expedient to do so. My approach would not prejudice the Council's ability to act in that respect.
39. For the reasons above, I conclude that the period for compliance with the Notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Conclusion

40. For the reasons given above, I conclude that the appeals on ground (a) and (f) should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

R Hitchcock

INSPECTOR