
Appeal Decision

Site visit made on 23 August 2016

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

Appeal Ref: APP/P4605/W/16/3150692
178 Minstead Road, Birmingham B24 8PX

- 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 Mohammed Yousaf against the decision of Birmingham City Council.
 - The application Ref 2015/07425/PA, dated 9 September 2015, was refused by notice dated 26 November 2015.
 - The development proposed is conversion of dwelling house into 2 self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal proposal relates to the retention of the conversion of the property 21 September 2016 that the development has already occurred.

Main Issues

3. The main issues for the appeal are:
 - Whether the development provides satisfactory living conditions for the occupants of the flats with particular regard to layout and living space; and
 - The effect of the proposed development on the provision of family housing in the area.

Reasons

Living conditions

4. I saw at my site visit that both flats are accessed from a single door at the front of the terraced dwelling, with flat 1 being arranged on the ground floor and flat 2 utilising the first floor and attic space. Saved UDP paragraphs 8.26 and 8.27 of the Birmingham Unitary Development Plan 2005 (UDP) are concerned with flat conversions, with paragraph 8.27 including guidelines for assessing proposals. These guidelines include that properties should be of sufficient size to permit the creation of individual dwelling units of a satisfactory size and layout.
 5. It has been put to me that the proposal does not meet the governments Nationally Described Space Standard (Space Standard). However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can
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only be applied where there is a relevant current local plan policy. In this case, given the age and provisions of the UDP there is no relevant current policy and consequently, this is not a matter which carries any significant weight against the proposal.

6. The Council in its submissions set out that flat 1 has a footprint of about 38.5 square metres with one bedroom of about 12.9 square metres, whilst Flat 2 has a footprint of approximately 62 square metres, with two bedrooms of about 10 and 18 square metres respectively. The appellant has not disputed these figures. The Council's reason for refusal 1 includes that it considers that the proposed development provides an inadequate internal layout and I saw at my site visit that flat 1 is laid out with no internal corridor, requiring direct circulation between rooms. The bedroom of flat 1 is of a sufficient size to be considered as being a double room, meeting the floor space figures for double bedrooms as set out in the Councils Planning for Places Supplementary Planning Guidance 2001 (SPG) and also those set out in the Space Standard. Flat 2 is laid out with internal circulation space and the size of its bedrooms is such that they can be considered as being a double and a single.
7. I consider that Flat 1, at about 38.5 square metres floor space, would be of an adequate size for a single person flat. However, given that it is provided with a bedroom of sufficient size to be a double bedroom, I consider that the size of the flat is such that it would provide cramped accommodation for 2 people. This combined with the layout where habitable rooms are used for internal circulation leads me to conclude that flat 1 does not provide satisfactory living conditions for its occupants.
8. Following my site visit I am satisfied that Flat 2 as laid out has adequate space for a 2 bedroom 3 person flat, despite falling below the minimum floorspace figure of 70 square metres for a 2 bedroom, 3 person dwelling over 2 storeys as set out in the Space Standard.
9. I consider therefore that the proposed development does not provide satisfactory living conditions for the occupants of flat 1 in regard to its internal layout and size of living space, contrary to saved UDP paragraph 8.27. The proposal would also fail to satisfy the design requirements of saved paragraphs 3.8, 3.10 and 3.14c of the UDP. The proposal does not accord with paragraph 17 of the National Planning Policy Framework which includes that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Family houses

10. The appeal property was formerly a single dwelling which I note was previously empty and has been brought back into use by the appellant as is encouraged by the Framework. The Councils Housing Department has objected to the loss of a family home and has set out that there is a need across the City for 2 bedroom accommodation as set out in the Councils Strategic Housing Market Assessment.
11. However, whilst the Framework in paragraph 50 includes that local planning authorities should identify the size of housing that is required in different locations, I have been provided with very little evidence in respect of specific housing need in this area and note, in any event, that flat 2 retains 2 bedrooms.

12. Whilst I have considered the comments by the Council regarding the conversion of 92-94 Oval Rd to provide flats and in respect of other such developments in the area, I am not convinced that the appeal scheme causes significant harm in the respect of the provision of family housing in the area. In this regard, the proposal does not conflict with saved paragraph 5.19A of the UDP which is concerned with resisting the loss to other uses of housing, saved UDP paragraphs 8.26 and 8.27 which are concerned with flat conversions and saved UDP paragraphs 3.8 and 3.10 which are concerned with the quality of the built environment. I also consider that in this regard the proposal does not conflict with the Framework and the Places for Living and Places for All Supplementary Planning Guidance. I also consider that the proposal does not conflict with Policies TP29 and TP34 of the emerging Birmingham Development Plan which are concerned with the delivery and best use of the housing stock. This however does not outweigh my conclusions on living conditions above.

Other matters

13. I have considered the comments by the appellant regarding housing association dwellings in the area comprising 2 and 3 flats, but have not been provided with any specific details to consider whether the circumstances of such developments are similar to the appeal proposal or whether they should provide an example of what should be followed given the harm found. I have also considered the comment that the two flats have housed 2 families adequately since June 2013, however this does not lead me to a different decision.

Conclusion

14. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR