

Appeal Decision

Site visit made on 6 December 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/N4720/W/16/3159585

4 Norville Terrace, Headingley Lane, Leeds LS6 1BS.

- 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 Broadfield Properties against the decision of Leeds City Council.
 - The application Ref: 16/01038/FU, dated 9 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is the conversion of the existing lower ground floor garage to a new flat, including external works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - (a) Whether the proposed new flat would provide satisfactory living accommodation;
 - (b) The impact of the proposed external alterations on the character and appearance of the locality, bearing in mind its location within the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area (CA).

Reasons

Living Accommodation

3. The proposed flat as submitted would include 2 bedrooms. The Council's housing officers have expressed concern in relation to the overall floorspace provided, the positioning of bedrooms immediately off the lounge, and the potential for natural light penetration.
 4. The nationally described space standard issued in March 2015 sets out what is regarded as acceptable internal space for different types of accommodation. For a 2 bedroom 3 person flat that would amount to some 61m² of space. The Council have calculated the space in this instance as about 50m². Although the space standards are not mandatory and if imposed by local authorities should be incorporated through development plans it is clear that here there is the potential for the accommodation to be cramped.
 5. In addition the juxtaposition of bedrooms and lounge has caused concern in relation to fire hazard. It may be possible to resolve this issue by redesign but
-

at present I am informed that the scheme would not meet the requirements of the Housing Health and Safety Rating System.

6. So far as light penetration is concerned I note that the lounge is intended to benefit from large south facing windows, albeit within a low level courtyard. But the courtyard is not so low that light would be restricted to an unacceptable degree. The bedrooms would have a more limited light source because of the size of window or the location within a deep lightwell. But given that these are designed to be bedrooms I do not regard this as fatal to the proposal.
7. Taking this issue in the round I am not satisfied that it has been shown that the proposed development would provide adequate living conditions in terms of space and safety. The proposal therefore conflicts with saved Policies GP5 and H6C(vi) of the Unitary Development Plan (UDP) Review of 2006. There is also conflict with the principles set out in the Council's Neighbourhoods for Living Supplementary Planning Guidance (SPD) and the National Planning Policy Framework (NPPF) which both seek to ensure that new dwellings provide good living conditions.

Character and Appearance

8. My duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. The terrace within which this flat conversion would be located is on the edge of the CA. It is a distinctive terrace which on its main elevation has for the most part been relatively little altered. The change to the front elevation as a result of the proposal would be limited principally to the provision of a narrow light well below the existing bay window. The light well would be surrounded by a simple railing. Views of the front of the terrace are hindered by a tall hedge and an existing bin store. Hence in my judgement the railings proposed would be inconspicuous and result in no material harm to the front elevation. The light well would be unlikely to be perceived from the street.
10. The alterations to the rear would be more visible. However, the alterations proposed would bring some benefits. First, the installation of a boundary wall would tie in with the general form of boundary treatment along this part of the terrace. In addition the removal of the unattractive access ramp would mean that the rear yard would be more in keeping with the neighbouring properties.
11. But the removal of the rear steps would leave a gap in the provision of these flights of steps along the terrace. Despite the fact that the steps no longer serve a door they are a feature of the terrace and assist in unifying its form. Even so the terrace has been so altered that the removal of the steps would not be so serious as to cause material harm to the character or appearance of the building or the CA.
12. Taking this matter overall it is my judgement that the proposal would not be harmful to the character or appearance of the locality or the CA. There would be no conflict with the development plan in this respect.

Other Matters

13. I note that the Appellant has been unhappy with the manner in which the proposal has been handled by the Council, but this is not relevant to my consideration of the appeal.

Overall Conclusion

14. The proposed flat would not provide satisfactory living accommodation as submitted and would be in conflict with the development plan. However there would be no harm to the character or appearance of the locality. In this instance the harm identified to living conditions outweighs the lack of harm to character and appearance. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR