
Appeal Decision

Site visit made on 4 April 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/V2825/W/17/3167807

2 Elizabeth Walk, Northampton NN1 5SS

- 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 T Rahman against the decision of Northampton Borough Council.
 - The application Ref N/2016/1292, dated 24 September 2016, was refused by notice dated 21 December 2016.
 - The development is three flats and proposed store at rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit the conversion of the dwelling to three flats had already taken place whereas the store building had not been built, thus I have amended the description to reflect this and shall consider the appeal accordingly.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of the flats with particular regard to internal living space.

Reasons

4. Policy H23 of the Northampton Local Plan (1997) (LP) states that planning permission will not be granted for the conversion to flats of a dwelling with a combined ground and first floor area (measured internally) of 100 square metres or less and with a frontage (measured internally) of less than 4.7 metres.
 5. Even though, I am told the appeal building has an internal floor area of some 98 square metres the Written Ministerial Statement of 25 March 2015 (WMS) confirmed that local standards for living accommodation should no longer be applied. Instead they may be replaced by a new national space standard when new local policies are set. I am not aware of any such local policies and I attach significant weight to the WMS and therefore attach limited weight to the shortfall of internal floor space when measured against the 100 square metre standard set out in Policy H23 of the LP.
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6. However, Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (CS) states new housing development will be expected to make the most efficient use of land having regard to amongst other things the living conditions provided for future residents. It does not set a local standard for living accommodation and is consistent with the Core Planning Principles set out in paragraph 17 at bullet point 4 of the National Planning Policy Framework (the Framework) which advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
7. Thus, even though the Council acknowledge that it cannot demonstrate a five year supply within the terms of paragraph 47 of the Framework, Policy H1 of the CS encourages housing development provided that it is well designed. Thus it is not directly restrictive of housing development. I therefore afford Policy H1 of the CS significant weight.
8. That said, whilst I acknowledge that all three flats are dual aspect and the ground floor flat has use of a private rear garden and the other two flat have access to a rear courtyard and the front garden all three of the flats are relatively small units of residential accommodation.
9. The internal space of the first floor flat is particularly limited with its lounge area close to cooking areas and appliances. It has doors and windows on three sides of the lounge/kitchen room limiting storage opportunities and requiring passage through to access other rooms.
10. For these reasons, I find the internal space of the first floor flat results in a cramped and uncomfortable living environment which is harmful to the living conditions of its occupants. These effects are exacerbated by the lack of access to a suitable private outdoor space which could be used for private and comfortable sitting out. The courtyard or front garden would not be suitable for such.
11. In reaching these conclusions I acknowledge that the appeal development provides a net increase in two dwellings adding to the supply of housing in the area. I also note that they are located such that services and employment can be easily accessed. However, these matters or any others raised do not outweigh the harm I have identified.
12. I have also considered the development nearby referred to as 16-18 East Street¹. However, whilst I acknowledge it has similarities with the appeal development that scheme is not before me and the presence of other development nearby is not sufficient to justify a development which I have found to be inherently harmful as each case must be considered on its merits.
13. Turning my attention to the proposed store building. I acknowledge that both main parties find this to be acceptable and I find no reason to question this. However, based upon the information before me I am not satisfied that it is both physically and functionally severable, thus I have not made a split decision.
14. For the reasons set out above, I find the development is harmful to the living conditions of the occupiers with particular regard to the provision of internal

¹ Council Reference N/2013/1246

living space. It therefore conflicts with Policy H1 of the CS which aims to ensure new residential development is delivered taking account of the living conditions of occupiers. It also conflicts with the good design aims of the Framework.

Conclusion

15. I conclude that on balance the development is in conflict with the development plan and thus having had regard to all other matters raised the appeal is dismissed.

L Fleming

INSPECTOR