
Appeal Decision

Site visit made on 11 April 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 26th April 2017

Appeal Ref: APP/G2625/W/16/3165686
2B Lower Goat Lane, Norwich NR2 1EL

- 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 Dritan Duraj against the decision of Norwich City Council.
 - The application Ref 16/01199/F, dated 12 August 2016, was refused by notice dated 7 October 2016.
 - The development is Minor Amendment to Planning Approval No: 16/00695/U (Change of Use of Second Floor from Retail (Class A1) to House in Multiple Occupation (Class C4) which relates to addition of 1no Bedroom to the HMO formed by Change of Use already approved.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit the development had already been carried out. I have considered the appeal accordingly.

Main Issue

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

Reasons

4. It has been put to me that to convert the appeal property to a four bed house in multiple occupation (HMO) would constitute a minor amendment to an extant planning permission¹. I am also told that a planning condition was not imposed on that permission restricting the number of rooms or the number of occupants. Thus, it is argued that planning permission is not required for the appeal development.
5. However, it is open to the appellant to apply for a determination of such matters under section 191 or 192 of the Town and Country Planning Act (1990) and it is not my place, to determine such matters in determining an appeal under section 78 of the Act. I will therefore assess the appeal on the basis of the development applied for.

¹ Council Reference 16/00695/U

6. Policy DM2 of the Norwich Development Management Policies Local Plan (2014) (DMPLP) states that development will only be permitted where it provides a high standard of amenity. Furthermore, it states that to ensure that residential dwellings are designed to meet the demands of everyday life adequate internal space must be provided and would normally be expected to exceed the City Council's indicative minimum guidelines for internal space standards.
7. However, the Written Ministerial Statement of 25 March 2015 confirmed that local standards for living accommodation should no longer be applied. Instead they may be replaced by a new national space standard² when new local policies are set. I am not aware of any such local policies and thus I attach limited weight to any conflict there may be with the Council's indicative minimum standards or the national space standard.
8. Nevertheless, I have considered the appellant's assessment of the internal floor space against the national space standard. However, the numerical area of any internal floor space is only one factor in determining the acceptability of any living accommodation.
9. The occupants of four bedrooms all share a kitchen and separate lounge/dining room. The kitchen is small with no room for sitting or eating. The lounge/dining area is also a small narrow space with a sloping ceiling along the majority of the length of the room. It could not comfortably accommodate any lounge seating and a dining table together. If such was in place there would be insufficient space to move around the room. Moreover, when any furniture is in place there would be few opportunities to comfortably position a television.
10. I acknowledge the comments with regard to innovative interior design and space saving furniture. However, there is no substantive evidence before me to demonstrate that such measures could overcome the limitations of the internal space I have identified.
11. That said, even if I accept that each bedroom is occupied by one person, I find the development provides an inadequate amount of usable internal space for sitting and eating. Thus, it results in a cramped and uncomfortable internal living space which is harmful to the living conditions of its occupants.
12. In reaching these conclusions I acknowledge that the appeal development provides residential accommodation meeting housing needs in a city centre location where services and facilities can be easily accessed. However, these matters or any others raised do not outweigh the harm I have identified.
13. For the reasons set out above, the development is in conflict with Policy DM2 of the DMPLP and the National Planning Policy Framework which taken together aim to ensure good design and that new development does not result in harmful living conditions.

Other Matters

14. The appeal development is within the City Centre Conservation Area (CA) and surrounded by a number of listed buildings. However, the development has not involved any significant alterations to the appearance of the appeal

² Technical housing standards- national described space standard, DCLG March 2015

building and thus I find the character and appearance of the CA and settings of the listed buildings are preserved.

15. I have also noted that the appellant is dissatisfied with Council's handling of the planning application, particularly in publishing documents on its website and overall engagement. However, I have determined the appeal on its planning merits.

Conclusion

16. 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