
Appeal Decision

Site visit made on 13 June 2017

by Katie McDonald MSc MRTPI

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

Decision date: 28 June 2017

Appeal Ref: APP/N4720/W/17/3171367
102 Lady Pit Lane, Beeston, Leeds LS11 6EE

- 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 Syed Munir Hussain Shah against the decision of Leeds City Council.
 - The application Ref 16/07763/FU, dated 13 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is a basement flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be whether the proposal would provide acceptable living conditions for the future occupiers, with reference to daylight, outlook, and internal space.

Reasons

3. The site is a four storey (including basement and attic) red brick, end of terrace building, set within a residential area of predominantly terraced housing stock. The site has off street car parking and the front and rear garden is given over to hardstanding. The appeal proposal seeks to convert the basement into a self-contained flat.
4. Access to the flat would be from existing external stairwells to the front and rear. The front entrance door to the basement is half above ground level and is set into the brickwork beneath the slightly elevated ground floor bay window. Due to the gently rising topography of the site, the rear basement door is entirely below ground level. The internal accommodation proposed would be split into a combined kitchen/ living area to the front, with a bedroom and bathroom to the rear.
5. In addition to the external doors, there are two existing windows of which no changes are proposed. The front elevation window, which would serve the combined kitchen/ living area, is partially below ground level, and the rear elevation window, which would serve the bedroom, is entirely below ground level. They are very small openings and due to their location and size, would offer negligible entry of natural light. Furthermore, the outlook for future occupiers would be oppressive, facing either solid ground or hardstanding,

leading to an overwhelming sense of enclosure. As these windows would serve living areas, I find that their size and location would not provide an acceptable level of natural light or outlook for future occupiers.

6. I note that the doors are proposed to be glazed; however I am not satisfied that this would provide an adequate amount of additional light sufficient to provide acceptable living conditions. This is particularly relevant at the rear, where the staircase is narrow and the door is entirely below ground level, resulting in an enclosed and oppressive outlook with minimal entry of natural light.
7. Therefore, I find that the level of natural daylight and outlook for future occupiers would be unsatisfactory for a self-contained flat, providing extremely poor levels of habitation for future occupants.
8. The internal space provided extends to approximately 30m² which, as detailed by the Council does not meet the Government's Technical Housing Standards - nationally described space standard. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. In this case, the Council is in the early stages of developing their local plan and 'Leeds Standard', and as such there is no relevant current policy.
9. Nevertheless, the housing standards set out minimum gross internal areas (GIA) for the provision of acceptable living conditions and I consider that in this instance, they provide a useful starting point against which to assess the proposal. The accommodation proposed would fall significantly below the national standard for a one bedroom, two person unit (50m²) and notably below the standard for a one bedroom, one person unit (39m²). All in all, I consider that the very restricted floorspace available would result in an unduly cramped living environment which, when coupled with the unacceptable levels of natural daylight and very limited outlook, would create unacceptable living conditions for future occupiers.
10. Consequently, the proposal would conflict with Policies P10 and H6 (Part C) of the Core Strategy, Leeds Local Development Framework (November 2014) and saved Policy GP5 of the Leeds Unitary Development Plan (July 2006) which, together and among other things, seek to secure the provision of satisfactory internal living accommodation. There would be conflict also with Supplementary Planning Guidance 6 - Self Contained Flats, which requires appropriate standards of habitation and facilities for occupiers. In addition, there would be conflict with one of the core planning principles of the National Planning Policy Framework, namely the need to secure a good standard of amenity for future occupants of buildings.

Other Matters

11. The appellant states that the basement, which already includes central heating and an electricity meter, was previously used for accommodation as part of his family home and that they had no problems with natural light, the intention being to offer the proposed flat for rent. However, those considerations do not outweigh the harm that I have identified, especially since, as part of a larger family accommodation, occupiers would have had access to space beyond the basement.

12. I am also advised that other properties within the street have been converted to flats. However, I have no detailed information about that accommodation, particularly whether it relates to basement flats of the same proportions and layout as that proposed and so cannot be sure that they are directly comparable to the scheme before me. Whilst the Council refers to a successful appeal for a basement conversion to form habitation within a house in multiple occupation at 104 Lady Pit Lane¹, the bedroom towards the front of that property, which would provide the main living space, apparently had a large window opening with a view over the front garden. That clearly is not the case in relation to the current appeal. Each proposal falls to be considered on its own particular merits and that is what I have done here.

Conclusion

13. Therefore, for the given reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR

¹ Appeal Ref APP/N4720/W/15/3138608