
Appeal Decision

Site visit made on 10 July 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 7th August 2017

Appeal Ref: APP/Z0116/W/17/3173262

Southey House, 33 Wine Street, Bristol BS1 2BQ

- 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 Foscombe (SAF) against the decision of Bristol City Council.
 - The application Ref 16/06045/F, dated 1 November 2016, was refused by notice dated 8 March 2017.
 - The development proposed is change of use of the lower ground floor from ancillary storage space (A1 Use Class) to residential (C3 Use Class) with ancillary self-contained storage space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The plans were amended during the course of the Council determining the planning application and the Council's decision notice relates to the most up to date plans (ref: LGF01 REV E, B11715 02, LGF01 REV A). I have determined the appeal using these plans. To reflect the amendments that were made to the proposal I have used the description of development used on the Council's decision notice and the appeal form.

Main Issue

3. The main issue is the effect on the living conditions of future occupants in terms of access to daylight.

Reasons

4. Southey House is a mixed use building with retail on the ground floor and residential on the upper floors. The proposed development seeks to convert additional ancillary retail storage space at the back of the building to residential use in an amendment to a previously approved permission (16/00802/F) to convert the lower ground floor to 4 flats.
5. Glazing on the rear façade of the building would be the primary source of daylight for the flats. The position of the windows relative to the depth of the flats means that daylight levels would be likely to be poor in the area of the flats that would be created through the proposal.
6. The appellant argues that the extended area would be to non-habitable floor space, citing part F of the Building Regulations as an appropriate definition.

Building regulations do not however define habitable rooms for planning purposes.

7. It is reasonable to assume that occupants would spend time in the kitchens of the flats, particularly in the cases of flats LG1, LG2 and LG4 which are separated from the lounge/ dining room by other rooms. The absence of almost any natural daylight to the kitchens in these flats as a result of solid walls separating the kitchens from neighbouring rooms would create unsatisfactory living conditions for the occupants.
8. The proposal would therefore conflict with policies BCS20 and BCS21 of the Bristol Core Strategy (2011) which require development to achieve high quality, well designed environments and safeguard the amenity of future occupiers. It would also conflict with policy DM2 of Site Allocations and Development Management Policies Local Plan (2014) which seeks to prevent the sub-division of existing buildings to flats where the development would harm residential amenity and policy DM14 which requires development to provide a healthy living environment.

Other Matters

9. Whilst it is noted that there would be limited natural ventilation serving the kitchens there is no evidence that adequate ventilation cannot be achieved through artificial means.
10. The increased floor space that would be created by the proposal may improve the marketability of the flats however; this is outweighed by the harm to occupants that would be caused by the lack of daylight to parts of the flats.
11. The appeal site is located in the City and Queen Square Conservation Area. As no external works are proposed the character and appearance of the Conservation Area would be preserved.

Conclusion

12. For the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR