The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA(Hons) BPl MRTPI

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

Decision date: 26 July 2019

Appeal Ref: APP/M0655/W/19/3228438
22 Harrison Close, Fairfield and Howley, Warrington, WA1 3GH

- 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 J Fatimilehin against the decision of Warrington Borough Council.
- The application Ref 2018/34156, dated 10 December 2018, was refused by notice dated 15 February 2019.
- The development proposed is change of use of integral garage to studio apartment.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal would provide acceptable living conditions for the future occupiers with regard to space, daylight and noise.

Reasons

4. The site is in a residential area of Warrington, on a relatively modern estate with a variety of house types and sizes. The existing property is a first floor one bedroom flat, accessed via a front door to a staircase, with an integral garage on the ground floor. The flat is over the entrance to a rear courtyard used for parking by the adjacent properties. The proposal is for the conversion of the integral garage to a studio apartment. The entrance to the garage is via the courtyard so there will be no alterations to the external appearance from the front of the property. The existing garage door would be replaced with a window and residential access door, and the internal access door to the existing flat would be blocked off.

5. The proposed studio apartment would have a gross internal area of 15.4 square meters with a window to replace the existing garage door. This is well below the minimum floor area for a 1 bed, 1 storey dwelling set out in the 'Technical housing standards- nationally described space standard' (March 2015). This standard deals with internal space within new dwellings and is

applicable across all tenures. Given that the proposal falls so far short of the standard, and the available living space is restricted, the accommodation within the unit would feel cramped and would not provide a satisfactory living environment.

6. In addition, due to the orientation of the property there would be limited direct sunlight to the window and furthermore, the amount of available daylight would be reduced by the effect of the conservatory at the neighbouring property which lies in close proximity to the site. There would only be one window to serve the unit and the area to the rear is therefore likely to be particularly gloomy. The space directly in front of this window is the parking space for 22 Harrison Close, which if a large vehicle is parked there would limit the outlook from, and daylight to the proposed apartment further. It is noted that other dwellings in the area have the same orientation although I have no evidence of their layout before me. I acknowledge that mitigation inside the apartment, such as the use of mirrors and light-coloured decoration could assist in maximising the available light. I also note that there are areas of public open space available nearby. However, I am not convinced such matters would compensate for the poor quality of the living environment.

7. The proposed apartment would be adjacent to the access to the rear parking courtyard which has capacity for nine vehicles and as such would attract a degree of vehicular activity. Harrison Close is a cul-de-sac and therefore is quiet. In areas such as this sound from individual vehicle movements is exacerbated and more noticeable. In addition, there is a parking space for 22 Harrison Close adjacent to the window for the proposed apartment. Parking in this space could not be controlled by the future residents of the proposal and comings and as such comings and goings could cause noise and disturbance to future occupiers.

8. My attention has been drawn to similar scheme at 17 Claude Street. However, from the documents available it appears that this conversion was for an additional bedroom and bathroom ancillary to the existing dwelling. That permission was subject to a condition that the bedroom was not to be used as an independent bedsit. The proposals are not therefore directly comparable.

9. The appellant acknowledges that this scheme would provide accommodation that is well below the size expected for a one bedroom flat, as described above, and that this type of residential accommodation would not meet the need for family housing. However, evidence of the need for short term, temporary or part time accommodation for workers has been provided, along with associated benefits to the local economy, and there is nothing before me that contradicts it. I acknowledge that the appellant would be willing to accept a condition restricting occupancy by each tenant to a maximum of 12 months. However, such a condition would be unreasonable and as such would not meet the tests for conditions as set out in paragraph 55 of the National Planning Policy Framework (the Framework). Moreover, the accommodation would be substandard even for a temporary period of occupation and thereby inappropriate.

10. For the reasons set out above the proposal would not provide acceptable living conditions to future occupiers. The limited floor area for a self-contained apartment would not provide acceptable living conditions in terms of space for

future occupiers. Noise and disturbance generated from vehicle movements into the parking spaces would be detrimental to future occupiers.

11. It would therefore conflict with Policy QE6- Environment and Amenity Protection and Policy QE7 – Ensuring a High-Quality Place of the Warrington Borough Council Local Plan Core Strategy (July 2014) which seek to support development that would not lead to an adverse impact on the amenity of future occupiers. It also conflicts with the Framework which, in paragraph 117, seeks to balance the effective use of land with ensuring safe and healthy living conditions whilst paragraph 127 seeks to ensure that developments have a high standard of amenity for existing and future users.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR