



Appeal Decision

Site visit made on 14 August 2019

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/Q0505/W/19/3230723

Flats 2 and 2A, 56 Bateman Street, Cambridge CB2 1LR

- 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 Ms Virginia Arnold against the decision of Cambridge City Council.
 - The application Ref 18/1442/FUL, dated 11 September 2018, was refused by notice dated 11 February 2019.
 - The development proposed is described on the application form as 'The initial consultation involved creation of ground floor toilet basin and shower. Discovery of circular staircase held by one joist required new joist (metal) then removal, sound insulation in ceiling, new heating system below because of energy inefficiency. Rewiring surface track to minimise drilling and dust because of hall cupboard. New position of access door on ground floor dictated by lintel to existing structure'.
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of dwelling to create two flats and associated alterations at Flats 2 and 2A, 56 Bateman Street, Cambridge CB2 1LR in accordance with the terms of the application, Ref 18/1442/FUL, dated 11 September 2018, and the plans submitted with it, subject to the following condition:
 - 1) Within 3 months of the date of this decision full details of facilities for the covered, secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be kept available for the parking of bicycles.

Procedural Matters

2. The proposals were described on the planning application form as set out above. The Council subsequently altered the description to 'Retrospective application for subdivision of dwelling to create two flats and associated alterations', which was agreed by the appellant. The revised description clarifies the proposals therefore I have dealt with the appeal on this basis.
3. The submitted appeal form specifies Ms Anita Hunter as the appellant, whilst the form submitted with the planning application stated the applicant was Ms Virginia Arnold. Clarification on this matter was sought and it has been confirmed that the applicant and appellant is Ms Virginia Arnold.

4. The subdivision works have been carried out and the flats are in use therefore I am considering this appeal retrospectively.

Main Issues

5. The main issues in the determination of this appeal are:
 - Whether the development provides acceptable living conditions for existing and future residents of Flat 2 in terms of the provision of internal living space;
 - Whether the provision of a family unit is required; and
 - Whether convenient and sufficient bin storage and bicycle parking within the site can be provided.

Reasons

Internal Living Space

6. Policy 50 of the Cambridge Local Plan 2018 (CLP) relates to internal residential space standards. It requires the gross internal floor areas of new residential units to meet or exceed the Government's Technical Housing Standards – nationally described space standard 2015. The required level of internal floor space for a 1 bed space dwelling is set out as 37 square metres (where the one person flat has a shower room rather than a bathroom). Only Flat 2 is cited in the reason for refusal as failing to meet the required level of floorspace, with 27.2 square metres.
7. Paragraph 6.31, within the supporting text of Policy 50 of the CLP, states that new homes created through residential conversions should seek to meet or exceed the standards as far as it is practicable to do so. In terms of practicality, I have been directed to events preceding the subdivision in relation to Building Regulations. This required removal of an unsafe spiral staircase and other alterations to bring the original flat up to modern standards. I also acknowledge that the appellant was misinformed on the need for planning permission, and at the time of the unauthorised works taking place the current CLP was not adopted. I understand that the previous Local Plan did not include a policy relating to space standards. The current situation has unfortunately arisen for a number of reasons and the subdivision works are now complete.
8. Flat 2 comprises a living/sleeping area, a kitchen and shower room. When I visited the flat I observed that the high ceilings, large bay window and kitchen window together with the elevated position above the street gave good levels of light and that it did not feel oppressively cramped nor claustrophobic as a result of its limited size. There is satisfactory circulation space and areas to place furniture and items necessary for day to day living. The outlook from the bay window is pleasant, with a view over the front garden and a wide street of similar properties. I also noted the site benefits from good amounts of outdoor space to the front, side and rear, shared with other properties within the building. This allows for good levels of light and some sitting out space. I therefore consider that Flat 2 is of sufficient size and quality to provide comfortable living accommodation.
9. It is acknowledged that Flat 2 falls short of the nationally described space standards and Policy 50 of the CLP. Policy 53 is supportive of flat conversions

subject to various criteria including the requirement that proposed room sizes meet minimum room sizes (part a). I note that policy 53 relates to room sizes rather than gross internal floor area, and does not mirror the supporting text to Policy 50 which includes the caveat that such conversions should seek to meet or exceed the standards as far as it is practicable to do so.

10. I have concluded that the development provides acceptable living conditions for existing and future residents of Flat 2 in terms of the provision of internal living space. Policy 53 part d) is met in that the proposal would result in a good standard of amenity for its occupiers. The development is also consistent with the National Planning Policy Framework in seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

Family Unit

11. Part b) of Policy 53 supports conversions to flats where the ground or lower ground floor includes a family unit (two bedroom plus) with garden access. The supporting text sets out the harm that may arise from conversion to additional units of accommodation including living conditions, area character and parking issues, however the reasoning for requiring a family unit is unclear.
12. I have therefore considered this case on its own merits. Regardless of the differences in interpretation between the appellant and the Council of the policy wording in terms of the original 'single family dwelling house' I do not consider that the lack of a provision family unit would result in any significant harm. From the evidence before me the semi-detached building at 56 Bateman Street has not been in use as a single family dwelling house for some time, and prior to subdivision no's 2 and 2A had no more than two bedrooms as part of a larger building of flats with shared garden. There has been no loss of family accommodation and in this particular case the provision of a family unit is not warranted. I have already concluded that an adequate standard of living conditions has been achieved, and the development does not conflict with the relevant criterion of Policy 53 of the CLP.

Bin Storage and Bicycle Parking

13. Part e) of Policy 53 requires flat conversions to include appropriate refuse, recycling and cycle storage to serve the development. Information has been provided with the appeal documentation in relation to bin storage which the Council are now satisfied with. I noted on my site visit that there is sufficient space around the building for the additional bins associated with the subdivision, together with existing bins, to be stored relatively unobtrusively without encroaching onto the highway. Concerns have been raised regarding use of the carport for storing refuse and location arrangements for collections, however such matters cannot be controlled through the planning system.
14. The appellant has also provided additional details of bicycle storage. I noted on my site visit that two secure bicycle stands adjacent to the entrance of Flat 2/2A are now in place. Convenient and sufficient bin storage and bicycle parking within the site has been provided in compliance with Policies 53 and 82 of the CLP. The cycle stand is not covered, and this is recommended by the Council's Cycle Parking Guide for New Residential Developments. A condition can require further details to ensure a suitable cover to be installed.

Other Matters

15. The site lies within the Conservation Area, to which I am obliged to pay special attention to the desirability of preserving or enhancing its character or appearance¹. In respect of external alterations, the new escape window is in an unobtrusive location and does not detract from the overall character of the period building. Given the set back from the street and screening in the front garden I am of the view it has a neutral effect on the character and appearance of the Conservation Area.
16. The subdivision has the potential to increase noise disturbance between Flats 2 and 2A and to neighbouring occupiers. The evidence suggests that Building Regulations requirements have been met following installation of noise insulation. There is no evidence before me to suggest the noise insulation does not meet the required standards. Any damage or disturbance caused to neighbouring flats as a result of incorrectly fitted doors would be a private matter between the parties involved.
17. Examples have been provided of properties with similarly sized internal floor areas. However I do not have full details of these properties before me and cannot be sure that they represent any direct parallels with the appeal site. Potential precedent for similar proposals in the future does not alter my conclusions given the specific circumstances of this case, and each appeal must be determined on its individual merits.
18. Concerns have been put before me regarding the servicing of the flats and the consequences of providing such utilities, wear and tear on the building, deterioration of communal areas, untidy appearance, moral considerations, and loss of property value. However, these are not for this Section 78 appeal to consider and I have instead focused on the planning merits of the case.
19. Contractual obligations, tenancy agreements and any requirements to gain consent from the landlord prior to undertaking works are not planning matters which I can give weight to. Additionally, I do not consider that the landlords or residents of the flats have been prejudiced by inadequate notice or consultation as representations have subsequently been considered as part of this appeal process.

Conclusion and Conditions

20. In view of the above and all other matters raised the appeal is allowed. I have imposed a condition requiring full details of the cycle parking area (with suitable cover) in order to meet the requirements of CLP Policy 82 and the Cycle Parking Guide for secure and covered cycle parking.

S Hunt

Inspector

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.