



Appeal Decision

Site visit made on 1 October 2019

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 25th October 2019

Appeal Ref: APP/J3015/W/19/3229670
147-151 Queens Road, Beeston, NG9 2FE

- 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 G Nursery of Charterpoint Investments against the decision of Broxtowe Borough Council.
 - The application Ref 18/00516/FUL, dated 26 July 2018, was refused by notice dated 15 March 2019.
 - The development proposed is erection of 10 one bedroom apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the Broxtowe Part 2 Local Plan on 16 October 2019, after its refusal of planning permission. This supersedes the previous Broxtowe Local Plan (2004) which is referred to in the Decision Notice. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision.
3. At the time the appeal was submitted, it was common ground that the Council was unable to demonstrate a deliverable five year supply of housing sites as required by the National Planning Policy Framework. However, I note that the housing trajectory appended to the 'Report on the Examination of the Broxtowe Part 2 Local Plan' identifies a healthy 5 year supply position. This presumably takes into account new housing allocations identified in that plan. I return to this matter in my overall balance and conclusion, below.
4. The description of development given above is taken from the Decision Notice rather than the planning application form. This reflects alterations that were made to the scheme at application stage, and the development was determined on this basis.

Main Issues

5. The main issues are the effect of the development on:
 - (a) The living conditions of future occupiers of the development with regard to internal living space and outdoor amenity space;
 - (b) The character and appearance of the area; and
 - (c) On-street parking stress.

Reasons

Living conditions – future occupiers

6. The Government's Technical Housing Standards¹ set out a nationally described space standard for new dwellings. Planning Practice Guidance states that *"where a local planning authority (or qualifying body) wishes to require an internal space standard, they should **only** do so by reference in their Local Plan to the nationally described space standard"*² (my emphasis). These standards are not adopted in either the Broxtowe Part 1 or Part 2 Local Plan and so cannot be given full weight in this case, albeit they are a useful point of reference.
7. My attention has been drawn to the fact that the submitted plans show each bedroom containing a double bed. However, that does not determine whether the dwellings would be occupied by more than 1 person. In this regard, I note that Paragraph 10.d of the Technical Housing Standards states that *"in order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5 m²".*
8. All of the proposed apartments would have Gross Internal Areas (GIAs) below those recommended in the Technical Housing Standards. In particular, Apartment 3 would have a GIA of 26.0 square metres, which is well below the minimum standard of 37 square metres for a 1 bedroom, 1 person dwelling. The proposed living/kitchen/dining area would be especially cramped, and it would be unable to accommodate a seating area, kitchen facilities, and a small dining table, with adequate circulation space around them. It is also highly doubtful that adequate storage space could be provided. In my view, this arrangement would result in unacceptably poor living conditions for future occupiers of this dwelling.
9. Apartment 8 would have a GIA of 28.1 square metres, which is well below the minimum standard for a 1 bedroom, 1 person dwelling. This dwelling would also be served by an excessively small living/kitchen/dining area that would not be large enough to meet the day to day needs of future occupiers. In this regard, it could not accommodate sufficient seating, dining, and kitchen facilities with adequate circulation space around them, and there would be little space available for storage. Accordingly, I consider that this dwelling would also provide unacceptably poor living conditions for future occupiers.
10. In addition, Apartments 1, 2, and 4 would be well below the minimum standard of 50 square metres for a 1 bedroom, 2 person dwelling. These apartments would also have unduly small living/kitchen/dining areas that would be inadequate to meet the needs of 2 people. In my view, they would not provide adequate living conditions for future occupiers.
11. Separately, whilst Apartments 5, 6, 7, 9 and 10 would have GIAs below those recommended in the Technical Housing Standards, their layouts would be more generous. In this regard, the proposed living/kitchen/dining areas would be larger in size (relative to the number of bed spaces provided), with segregated kitchen areas. On balance therefore, I consider that these properties would provide adequate living conditions for future occupiers.

¹ Technical housing standards – nationally described space standard (DCLG, 2015)

² Paragraph: 018 Reference ID: 56-018-20150327

12. My attention has been drawn to a number of applications that were recently approved by the Council despite not meeting the nationally described space standard for new dwellings. However, the full details of those schemes, including the proposed internal layouts and GIAs, are not before me. In any case, I acknowledge that the Technical Housing Standards cannot carry full weight, and my view on the appeal scheme is based on the adequacy of the specific layouts that are proposed.
13. The Council's Private Sector Housing Officer and Housing Strategy and Development Officer have not objected to the development on these grounds. However, it is unclear whether internal space standards fall under the remit of those Officers, and in any case, I have come to my own view on this matter.
14. The development does not propose any outdoor amenity or garden space. However, the appeal site is only a short walk from Broadgate Recreation Ground, which is a high quality open space. This would provide adequate access to outdoor recreation for future occupiers. Moreover, given the size of the proposed dwellings, they would be unlikely to appeal to a family with children. Accordingly, I do not consider that this matter alone would justify withholding permission. However, that does not alter my other concerns in relation to internal living space, as set out above.
15. For the above reasons, I conclude that the development would provide inadequate living conditions for future occupiers with regard to internal living space. It would therefore be contrary to the relevant sections of Policy 17 of the Broxtowe Part 2 Local Plan (2019), which seeks to provide a satisfactory standard of amenity for occupiers of new developments.

Character and appearance

16. The appeal site occupies a prominent corner position at the junction between Queens Road and Hawthorn Grove. It is surrounded by a mix of commercial and residential properties that are built in a variety of architectural styles.
17. The development would have a modern design with a three storey flat roof element on the corner. It would be constructed predominantly in brick, which is the main material in the vicinity, with areas of cladding and glazing. Its scale and height would be broadly in keeping with the surrounding properties, and its position next to a main road provides an opportunity for a slightly taller element on the corner. The surrounding area contains a mix of architectural styles and built forms, and there are a number of other flat roof buildings nearby. In this context, I do not consider that the development would appear out of place. In my view, it would be well designed and would not unduly dominate its surroundings.
18. For the above reasons, I conclude that the development would not harm the character or appearance of the area. It would therefore accord with the relevant sections of Policy 17 of the Broxtowe Part 2 Local Plan (2019), which requires new development to create well-defined streets and spaces.

Car parking

19. A single car parking space is proposed to serve the development. Any additional vehicles associated with the scheme would therefore rely on existing on-street parking in the surrounding area.

20. A number of comments by interested parties indicate that parking is currently congested in the vicinity. However, the appeal site is in an accessible location in walking distance of services and facilities, and with good access to public transport. This would discourage the use of a private car. Data from the 2011 Census also indicates that 47% of households in this ward do not have access to a private vehicle. Moreover, the proposed apartments would be single-bedroom and would likely be occupied by only 1 or 2 people. Given the accessibility of the appeal site, this level of occupancy would not generate a significant parking requirement in my view. I further note that the parking survey undertaken by the appellant indicates that some existing capacity is available on the surrounding streets. In these circumstances, I do not consider that the development would lead to a rise in nuisance or dangerous parking in the area.
21. For the above reasons, I conclude that the development would not significantly contribute to on street parking stress. It would therefore accord with the relevant sections of Policy 17 of the Broxtowe Part 2 Local Plan (2019), which requires that new development provides sufficient parking.

Other Matters

22. The appeal site is adjacent to No 145 Queens Road, which contains a second floor bedroom window that would face directly onto the development. At the application stage the proposed design was modified to include a 2nd floor set back next to No 145. In my view, this would allow for an adequate degree of outlook from this window. The proposed flat roof design would also allow for sufficient light to reach that window over the top of the building. At the rear, the proposal would follow the building line established by the rear of No 145 and so would not unduly overshadow its rear garden area. In this regard, the effect would be similar to a continuation of the existing terrace.
23. The appeal site is also adjacent to No 1 Hawthorn Grove, which contains a side facing first floor window that is shown to serve a bathroom on the submitted plans. This window is obscurely glazed and so the development would not result in a significant loss of outlook from this room. An existing ground floor window would also face the development. However, that window currently looks directly onto the side wall of an existing single storey building, and the development would not result in a significant deterioration compared to the existing situation. At the rear, the development would reduce to 2 stories in height and would be set in further from the boundary than the existing single storey building, which would limit any additional loss of light. Overall, I consider that the proposal would not significantly harm the living conditions of the occupiers of either No 145 Queens Road or No 1 Hawthorn Grove.
24. My attention has been drawn to a letter sent by the Secretary of State to the Council regarding the importance of maximising the potential of previously developed land. I address the benefits that the development would bring, including its brownfield status, in my overall balance and conclusion, below.
25. The appellant states that a number of recent applications on other previously developed sites have been refused by the Council. However, the full details of those cases are not before me, and my remit in this case is limited solely to the appeal proposal.

26. The appeal site is in Flood Zone 2. However, a Sequential Test has been submitted which concludes that there are no alternative sites available within areas with a lower probability of flooding. The Council has not disputed this assessment and I see no reason to take a different view.

Overall Balance and Conclusion

27. As set out above, the development would provide inadequate living conditions for future occupiers with regard to internal living space and would be contrary to the development plan in this regard.
28. Set against this, I have found that the development would not significantly harm the character and appearance of the area and would be served by adequate car parking. The development would also provide 10 new dwellings, in an accessible location, on a windfall brownfield site, and would generate economic benefits through the creation of employment and the purchasing of materials and furnishings.
29. Overall, however, I consider the size of the proposed accommodation to be unacceptably poor, and there is no reason why an adequate standard of accommodation could not be provided. Even if I were to conclude that the Council was unable to demonstrate a 5 year supply of housing land, that would not alter my view in this regard. In this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
30. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR