The Planning Inspectorate

Appeal Decision

Site visit made on 8 October 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2019

Appeal Ref: APP/L2440/W/19/3233950
33B Canal Street, Wigston LE18 4PL

- 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 Gurbinder Singh against the decision of Oadby & Wigston Borough Council.
- The application Ref 19/00163/FUL, dated 10 April 2019, was refused by notice dated 13 June 2019.
- The development proposed is the retention of a single dwelling at first floor level and the adaption to create an additional flat first floor.

Decision

1. The appeal is dismissed.

Main Issue

2. The contribution of the proposed development to the mix of dwelling sizes that meet the identified needs of the communities within the Borough.

Reasons

3. The proposal would result in the formation of two first floor flats with access from a dedicated common stairwell and first floor landing. The flats would each provide a combined kitchen/living space, single bedroom and shower room/wc. The gross internal floorspaces are stated as 25m^2 and 30m^2.

4. Policy 11 of the Oadby and Wigston Local Plan (2019) (LP) adopts the benchmark standards of the Technical Housing Standards (March 2015) (THS) for internal floor space and requires developers to take them into account. The policy seeks to achieve suitable standards of living space to ensure new homes are fit for purpose for modern living and to deliver comfortable and healthy living conditions.

5. The submitted plans show and reference two 1-bedroomed/2-person units. There is no dispute that the internal floor areas of the flats would fall significantly below the minimum gross floor areas specified in the THS for this type of accommodation. However, the appellant has subsequently clarified that the units would be for single occupancy only.

6. In accordance with paragraph 8 of the THS, the stated gross internal areas shown on drawing no 6033/04 take account of the floor areas providing usable living space for each unit as enclosed by external and party walls. In arriving at these figures, the extent of internal space would exclude the external communal landing and stairwell as these do not provide living space or areas of occupancy dedicated to either flat. Whilst it is notable that allowance is made

for stairwells and associated circulation space within the THS, paragraph 3 of the THS clarifies that one storey dwellings, including flats, are dealt with separately to accommodation over two or three floors. It would therefore be erroneous to factor-in the communal circulation space in this case. Consequently, even at single occupancy of the units, the floor areas and absence of storage would fail to deliver units which meet the adopted specified minimum size.

7. Policy 11 requires the Council to determine sub-division proposals on a case-by-case basis. There is no dispute between the parties that the Examining Inspector strengthened the policy wording prior to its recent adoption. Whilst this does not impose an inflexible approach the requirement is to take the THSs into account.

8. The scheme would deliver units below the standard, the smaller unit being only about two-thirds of the prescribed gross internal floor area for single occupation. Against a minimum standard this degree of shortfall is significant and would fail to secure a type of accommodation that is fit for purpose or promotes healthy living conditions appropriate for modern living. These factors are implicit in the application of the standards as described in paragraphs 6.1.4 and 6.1.5 of the LP. The proposed development would therefore fail to make a positive contribution to the mix of housing sizes for local needs.

9. I acknowledge that the site lies close to local services and public transport networks, and that it would utilise an existing building without harm to surrounding living conditions or highway safety. Furthermore, the proposal would result in a small benefit from the delivery of a single additional residential unit with an associated beneficial economic impact to the area. However, these circumstances would not outweigh the harm arising from the substandard size of the accommodation and the negative impact on the mix of dwelling sizes available locally.

10. For the above reasons, I conclude that the proposed development would conflict with Policy 11 of the LP which seeks, amongst other things, to secure a standard of accommodation that positively contributes to the mix of dwelling sizes to meet the identified needs of the communities within the Borough.

Other Matters

11. The site lies within the South Wigston Conservation Area. The proposal would not result in the external alteration of the appeal property and, accordingly, it would preserve or enhance the character or appearance of the Conservation Area. However, this would not outweigh the concerns expressed.

Conclusion

12. The development would be contrary to the adopted development plan and there are no material considerations indicating a decision otherwise than in accordance with it. For those reasons, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR