



Appeal Decision

Site visit made on 26 November 2019

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2019

Appeal Ref: APP/P4225/W/19/3238012
23 Drake Street, Rochdale OL16 1RX

- 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 Mohammad Sadeeq against the decision of Rochdale Borough Council.
 - The application Ref 19/00428/FUL, dated 6 April 2019, was refused by notice dated 13 September 2019.
 - The development proposed is the change of use of vacant B1 office use on upper floors and part vacant ground floor A1 retail use to form 10no C3 residential apartments use.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the proposal would provide acceptable living conditions for the future occupiers, with reference to daylight, outlook and internal space.

Reasons

3. Located in Rochdale town centre on the corner of Drake Street and River Street, the site is a 3 storey end of terrace building. The details before me indicate that it is currently vacant but has been previously used as 2 retail units and offices. The proposal is to change the use of the upper floors and rear of the ground floor to 10 market housing apartments, along with minor alterations to the fenestration.
4. There would be 8 one bed apartments and 2 studio apartments. Units 1 and 2 would be located to the rear section of the building on the ground floor, with units 3-6 on the first floor, units 9-7 on the second floor and unit 10 on the third floor in the attic space.
5. Units 1 and 2 would be accessed from the side of the building on River Street. There would be windows to each of the bedrooms, however, each of the living, kitchen and dining areas would be served only by a half-glazed door and narrow half glazed side panel. Despite the larger internal opening in Unit 2, owing to the depth of both these living areas and the minimal amount of glazing; the level of natural daylight received in both kitchen and dining areas would be very low with virtually no outlook. This would result in gloomy, dark, oppressive and extremely unpleasant living environments for the future occupiers.

6. Whilst the National Planning Policy Framework (the Framework) refers to planning policies for housing making use of the Government's Technical Housing Standards - nationally described space standard (March 2015 – updated May 2016) (the Standards); there is no such planning policy adopted in this district. Nevertheless, the Standards set out minimum gross internal areas for the provision of acceptable living conditions and in this instance, they provide a useful starting point against which to assess the proposal. This is despite the appellant's assertion that the Standards should only be applied to new dwellings, because these apartments would be new dwellings.
7. The appellant sets out that the floorspace for apartments 1, 3, 4, 5 and 8 would be below the Standards. The Council assert units 7 and 9 would also be below the standards. Based upon the appellant's measurements, unit 7 would meet the standard as a shower appears to be provided. However, despite unit 9 being a studio apartment, the internal space would still not meet the Standards as there is no provision for such accommodation within them.
8. Unit 1, at 34 square metres (sqm) with a bedroom size of 7 sqm, would be considerably below the minimum space standard for a 1 bed 1 person unit. Units 3 and 8 are of similar dimensions, and although the bedroom in unit 8 would be larger, they would still be 3 sqm below the minimum of 37 sqm for a 1 bed 1 person unit. Whilst units 4 and 5 are 1 sqm below, they would still fail to meet the advocated minimum standard for a 1 bed 1 person unit, yet I accept that the building is constrained by existing walls. Unit 9 would also be 2 sqm below the minimum standard for a 1 bed 1 person unit.
9. Whilst I accept that the Standards are not adopted policy in this district, the effect of the restricted floorspace would result in future occupants being afforded very limited space and cramped living conditions. Coupled with the poor daylight levels for units 1 and 2, the proposal overall would provide poor living conditions and low amenity standards for the future occupiers.
10. Furthermore, whilst I have considered the minimum space standard for a 1 bed 1 person unit when assessing this appeal; it is worth noting that the plans before me show double beds for each unit. Although this does not inevitably mean 2 people would occupy each apartment, the minimum space standard for a 1 bed 2 person unit is 50 sqm. Therefore, even acknowledging that the site is constrained by the existing walls and fenestration, every single apartment proposed would fall considerably below 50 sqm. This adds to my concerns.
11. The appellant details that adjustments to the layout could be made, yet I must make my decision upon the scheme which the Council made its assessment upon. I have no evidence that the proposal would be unviable were it to provide larger apartments or that the existing retail units are too large. I also have no evidence to detail how the apartments would be affordable when the planning application form indicates that they would be market housing. The lapsed planning permission and the appellant's criticisms of how the planning application was dealt with by the Council are of no consequence to my decision.
12. Bringing back a vacant building into use would be of benefit to the local area and of a minor economic benefit. However, my findings in relation to the future living conditions of the occupiers would substantially outweigh these matters.
13. Consequently, the proposal would fail to provide acceptable living conditions for the future occupiers. This would be contrary to Policy DM1 of the Rochdale Core

Strategy (October 2016), which seeks to ensure development does not adversely affect the amenity of residents or users.

14. It would also be contrary to the Council's Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016) which seeks to secure a good standard of amenity for the future occupants. Lastly, it would conflict with the Framework, which seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR