
Appeal Decision

Site visit made on 25 February 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/W4705/W/19/3238724

2 Rectory Row, Keighley BD21 2LL

- 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 R Chapman (Darley Properties Limited) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/02901/FUL, dated 8 July 2019, was refused by notice dated 16 September 2019.
 - The development proposed is conversion of basement into 1no. flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide adequate living conditions for future occupiers of the flat, with particular regard to outlook and daylight.

Reasons

3. The appeal site is a 19th century stone-built mid terrace property which is located within the Keighley Town Centre Conservation Area (CA). The property façade at ground floor along Rectory Row has been considerably altered over time to form residential development. The area is prevalent with broad streets and contains a varying degree of property types and a mix of land uses.
4. Policy HO9 of the Bradford Core Strategy Development Plan, 2017 (CS) sets out new housing development should be high quality and achieve good design. New homes should be well laid out internally and should provide suitable space standards appropriate to the type of home. Rooms should receive adequate levels of daylight. Policy DS5 of the CS requires development proposals to not harm the amenity of existing or prospective users and residents.
5. The proposed basement flat would be accessed from the rear courtyard and the plans show that the conversion would have an open plan living room and kitchen/dining area. Two windows would be inserted within the kitchen and would directly face onto the courtyard. These windows would be of a limited height and width and would be restricted due to the position facing the recessed area of the courtyard. A partial height glazed doorway is proposed to access the flat to the hall. This would only face directly onto the external stepped access supporting wall. The existing lightwell is positioned within the

living area and a further lightwell is proposed to serve the bedroom, but these would provide only limited light during the daytime and no outlook.

6. Despite the appellant reconfiguring a previous refused scheme for planning permission¹, the proposed development would result in a poor and bleak outlook for future occupiers, particularly with the lack of openings serving habitable rooms and the restrictions of the basement itself. Furthermore, the openings would only provide a limited amount of natural light including daylight, resulting in dark and dingy residential accommodation to the detriment of living conditions for any future occupiers.
7. I conclude that the proposed development would not provide adequate living conditions for future occupiers of the flat, with regard to outlook and daylight. It would be in conflict with Policies H09 and DS5 of the CS, as I have set out above.

Other Matters

8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Section 16 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification.
9. In this instance the basement would be converted to a one bedroom residential flat, it would be contained within the existing building. Whilst the scheme would include the introduction of two windows these would be screened from the street scene and the introduction of a further lightwell would be visually discrete within the street environment. Accordingly, the proposal would not harm the significance or setting of the CA. However, the avoidance of harm in this regard weighs neutrally and does not amount to a consideration in support of the appeal.
10. The appellant suggests that the Council have been inconsistent and made inaccurate assertions, but these do not affect the precise circumstances of the appeal scheme. Although, the proposed development would not cause any harm to the living conditions of neighbouring properties including privacy, be within a sustainable location and there has been lack of objections from third parties, these considerations do not outweigh the harm caused by the development. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.

Planning Balance and Conclusion

11. I have found that the appeal proposal would cause significant harm to the living conditions of any future occupiers. Against this has to be the balanced factors in favour of the proposed development.
12. The provision of one additional residential unit would make a positive contribution to the Council's housing land supply when weighed in the overall planning balance, albeit that the contribution would be limited due to the

¹ 19/01809/FUL

quantum of development proposed. There would be a small social and economic benefit in providing the housing unit and its occupation.

13. However, even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development in terms of the Framework.
14. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR