



Appeal Decision

Site visit made on 11 August 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal Ref: APP/V2825/W/20/3250888

24 Clare Street, Northampton NN1 3JF

- 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 Andy Lord against the decision of Northampton Borough Council.
 - The application Ref N/2019/1511, dated 2 December 2019, was refused by notice dated 27 January 2020.
 - The development proposed is conversion of terrace property into 2 flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development includes two flats - a flat at ground floor and a flat spread over the first and second floor. From the evidence before me the dispute relates to the ground floor flat. My reasoning below therefore relates to the ground floor flat only.

Main Issue

3. The main issue is whether or not the proposal would provide acceptable living conditions for future occupants, with particular regard to outlook.

Reasons

4. The proposal involves the subdivision of the existing dwelling into 2 flats. The ground floor would accommodate a 1 bedroom flat retaining the existing living room and galley kitchen/diner layout. Similar to the existing situation the proposed living room would be served by a tall high-level window.
5. I acknowledge that future occupants would have access to the courtyard, the kitchen and living room windows provide natural light and the flat would meet space standards. However, given the size of the proposed flat the living room and kitchen/diner would be the main spaces that occupants would spend time in. Outlook from the living room window is only appreciable when standing very close to the window and looking upwards and are limited to views of the sky. In my view the position of the window and the lack of outlook in the living room would result in an unduly oppressive environment for future occupants and unacceptable living conditions.

6. Taking the layout of the flat and the length of the kitchen/diner into account, I am not satisfied that the window in the kitchen/diner affords outlook to the lounge. In my view, the outlook from the kitchen/diner or bedroom windows are not adequate to outweigh my concerns in relation to outlook from the living room window.
7. I acknowledge that conversions of existing buildings in urban environments may not always fully comply with design standards. However, it is incumbent upon me to assess the merits of the proposal before me. I find that the site's urban context is not justification for a scheme that I have found to be harmful.
8. The appellant contends there is a fallback position in that the property could be occupied as a dwelling with a similar living room and kitchen/diner as proposed. Whilst this could well be a possibility the details and layout of an alternative scheme are not before me. Based on the limited evidence before me, I cannot be certain that such a scheme would be similar to, or materially worse than what has been proposed. I am also mindful that a one-bedroom flat is occupied and its spaces used very differently compared to a large dwelling due to the difference in the overall size of the properties and the number of rooms available for occupants. As such, I give this matter limited weight in coming to my decision.
9. The Council's approach to previous applications at the site and to other similar applications are not matters for me in this appeal. In any event every appeal must be considered on its own merits, which is what I have done.
10. As such, the proposed development would be contrary to Policies S10 and H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) which, amongst other things, requires a high standard of sustainable design and that satisfactory living conditions are provided for future residents.

Planning Balance

11. Based on the evidence before me the Council cannot demonstrate a deliverable five-year supply of housing sites. As such, paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged. It states that planning permission should be granted, unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits.
12. The provision of two flats in an accessible location would make a contribution to the area's housing supply. However, the benefits associated with the net increase of one residential property would be modest and thus attract no more than moderate weight.
13. On the other hand, I have found that the proposed ground floor flat would not provide satisfactory living conditions for future occupants. I give significant weight to this harm and the conflict with the most important policies in the development plan. Therefore, the adverse impact of the proposal would significantly and demonstrably outweigh its benefits.
14. Consequently, the presumption in favour of sustainable development does not apply and I have no reason to take a decision other than in accordance with the development plan.

Conclusion

15. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR