



Appeal Decision

Site visit made on 2 September 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2020

Appeal Ref: APP/G2625/W/20/3248391

Suite 2, First floor, 2 Lower Goat Lane, Norwich NR2 1EL

- 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 Dritan Duraj against the decision of Norwich City Council.
 - The application Ref 19/01633/U, dated 19 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the change of use of first floor space previously used as a tattoo studio (sui generis) to a temporary/serviced accommodation flat (Class C1) for hire-rent through Airbnb.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of first floor space previously used as a tattoo studio (sui generis) to a temporary/serviced accommodation flat (Class C1) at Suite 2, First floor, 2 Lower Goat Lane, Norwich NR2 1EL in accordance with the terms of the application, Ref 19/01633/U, dated 19 November 2019, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matter

2. As confirmed at my visit, the works to convert part of the former tattoo studio to a one-bedroom apartment had already taken place. The internal layout proposed would differ to that currently provided. The wall dividing the one bedroom from the kitchen/sitting room would be removed, to create a combined 'bedsit' area. The current entrance to the bedroom would be closed off to form a small wardrobe/storage space. I have considered the proposal on this basis.

Main Issue

3. Whether the accommodation can function as the C1 use class proposed and, on this basis, offer suitable living conditions for occupiers, particularly in respect of internal space.

Reasons

4. As a permanent dwelling the accommodation would fail to comply with Policy DM2 of the Norwich Development Management Policies Local Plan. This seeks a minimum gross internal area (GIA) of 37m² to provide satisfactory living conditions with respect to the amount of space within the unit. The apartment offers a GIA of 31 m² which is significantly below the amount sought.

5. Paragraph 2.4 of Policy DM2 states that in the majority of cases development can reasonably be expected to achieve these internal space standards, but there may be some scope to relax them on a case-by-case basis if there are exceptional conservation or regeneration benefits. The apartment is well-lit and satisfactorily appointed and, located in a city centre location close to services and facilities, would in most respects offer good living conditions for an occupier, other than falling short of the standard minimum amount of internal space. However, the exceptional conservation or regeneration benefits would not prevail in this case to clearly support a relaxation of the internal space requirements set by development plan policy.
6. Consequently, in order to address this policy conflict, the proposal seeks approval specifically for temporary, visitor accommodation (Class C1 hotels) as opposed to a permanently occupied Class 3 dwellinghouse. The proposal would be suitable for such a Class C1 use, providing a suitable quality of accommodation for business or holiday visitors to the city centre. This would provide a modest but tangible benefit to the local economy.
7. The Council's reason for refusal hinges on a lack of evidence over the proposed temporary/serviced accommodation being any different from a permanent C3 residential studio flat. I note the case law quoted, whereby holiday homes are no different to a permanent C3 dwelling use. However, in the event of the appeal being allowed, conditions are recommended by the Council. These limit occupation by the same party to no more than 28 days, specify that occupation be not as a sole or main place of residence and require the maintenance of and access to booking records. Such conditions would in this case meet the established tests¹, including being necessary given the inadequate internal space for permanent residential occupation and enforceable in providing a means to ensure the use is restricted to Class C1 temporary visitor accommodation only.
8. Subject to such conditions the accommodation could function acceptably as the C1 use class proposed and, in this regard, offer suitable living conditions as temporary occupation, including in respect of providing adequate internal space. On this basis the proposal would on balance make beneficial and sustainable use of city centre floorspace without conflict with the development plan when considered as a whole.

Conclusion and conditions

9. For the reasons given I conclude that the appeal should be allowed. This is subject to standard conditions over the period for commencement and accordance with the plans approved. For succinctness I have addressed the requirements governing the nature of the accommodation within a single condition. A further condition is also necessary to address the provision of cycle and waste bin storage.

Jonathan Price

Inspector

¹ As set out in paragraph 56 of the National Planning Policy Framework (February 2019)

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 16.449.01A; proposed first floor plan 16.449.04B; existing and proposed elevations 16.449.06B.
- 3) Occupation of the use hereby permitted shall not take place until details of bicycle and refuse/recycling bin storage have been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be installed prior to first occupation and thereafter retained and maintained as agreed.
- 4) The use hereby permitted shall be for temporary visitor accommodation only and shall not be used as a sole or main place of residence, with no person occupying the rooms for a period exceeding 28 days. Furthermore, no person shall occupy the accommodation within a period of three weeks following the end of their previous period of occupation unless this has the written agreement of the local planning authority. A register of accommodation bookings shall be maintained at all times and made available for inspection on the written request of the local planning authority.

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