
Appeal Decision

Site visit made on 8 September 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/W4705/W/20/3248813

37 Malsis Road, Keighley, West Yorkshire BD21 1EY

- 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 M Ishaq against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/04998/FUL , dated 29 November 2019, was refused by notice dated 28 January 2020.
 - The development proposed is change of use of basement floor from dwelling to proposed self-contained flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed self-contained flat would provide satisfactory living conditions for future occupiers in respect of light and outlook.

Reasons

3. The appeal site is a stone-built end of terraced property in a mainly residential area. The property's basement faces the rear yard, garage and extended garden area.
4. The lounge would be served by patio doors and light to the bedroom area would be borrowed light from the lounge. The bathroom would have mechanical ventilation with no external window and the kitchen would be served by a high-level window which was designed to serve a bathroom.
5. Although I am satisfied that the bathroom can be served by mechanical ventilation and does not need to be externally lit, this places a greater reliance on the other parts of the accommodation to provide a good standard of natural light, ventilation and outlook.
6. The rear of the appeal property faces broadly south west. The patio doors would provide a good light source to the lounge and adequate light to the bedroom area if occupied in a bed sit arrangement as shown on the appeal plans. The drawing elevation plan indicates opening lights in the patio doors, which is unusual, but would provide ventilation to the area when the doors are closed, and such an arrangement could be conditioned. The patio doors open on to a small outside area which is presently overgrown. The area outside the

proposed flat could provide good quality outside space with an open and extensive outlook towards residential gardens.

7. However, the kitchen window is small and at high level. It would have no outlook and ventilation would be limited by the size and height of the opening. Given the restricted light into the basement area, lack of adequate light and ventilation to the kitchen area would unacceptably compromise the accommodation as a whole.
8. Consequently, the proposed development would not provide satisfactory living conditions for future occupiers in respect of light and outlook and would conflict with Policy HO9 of the Bradford District Core Strategy Development Plan Document which seeks to ensure that new development is well laid out internally and rooms receive adequate daylight.

Other Matters

9. The evidence before me is that the Council cannot demonstrate a 5-year housing land supply. Although I have not been provided with any evidence about the extent of the shortfall in supply, the provisions of Paragraph 11 (d)(ii) of the National Planning Policy Framework are engaged. The proposed development would provide a self-contained flat. However, the contribution of the proposed accommodation to the housing supply would be small and would carry limited weight.
10. I have identified that the proposal would not provide satisfactory living conditions for future occupiers. I find that the proposed development would conflict with the development plan when read as a whole. The relevant policies are consistent with the importance afforded to high-quality design in the Framework. I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing one additional unit of accommodation when assessed against the policies in the Framework taken as a whole.
11. Overall, there are no material considerations that would indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

12. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR