



Appeal Decision

Site visit made on 13 October 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2020

Appeal Ref: APP/X2410/W/20/3255203

12 Fennell Street, Loughborough LE11 1UQ

- 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 Herberts Houses Limited against the decision of Charnwood Borough Council.
 - The application Ref P/20/0285/2, dated 12 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is the erection of a first floor and single storey extension to the rear to facilitate the change of use of a dwelling into 4 x 1 bedroom studio apartments (Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the banner heading above, I have taken the description of development from the Council's refusal notice as agreed by the appellant, as this more precisely explains what is proposed.

Main Issue

3. The main issue is whether the proposed apartments would provide acceptable living conditions for future occupants in respect of internal living space.

Reasons

4. The appeal property is a detached vacant dwellinghouse falling within the Church Gate Conservation Area (CA) and is adjacent to No 12A Fennell Street which is a grade II listed building. I do not disagree with the views expressed by the local planning authority that the proposed use and alterations would preserve the setting of the listed building and that it would at least preserve the character and appearance of the CA.
5. The point of contention between the main parties relates to the size of the proposed apartments. The appellant does not dispute the fact that none of the four apartments meet the minimum gross internal floorspace standards as outlined in the Government's 'Technical Housing Standards – nationally defined space standard' 2015 (NDS). These standards do not form part of any adopted development plan policy. Furthermore, the Planning Practice Guidance and the Government's Written Ministerial Statement to Parliament dated 25 March 2015 state that "*decision takers should only require compliance with the*

new national technical standards where there is a relevant current Local Plan policy". I do not consider that there is a relevant current Local Plan policy and hence it has not been necessary for me to determine this appeal against the minimum floorspace standards as set out in the DSDS. Put another way, the proposal's conflict with the DSDS is not a determinative factor and it falls therefore to me to consider whether the apartments would be of a sufficient size for future occupiers on a fact and degree basis taking into account the more general design and amenity policies in the development plan for the area.

6. I note the appellant's point that the apartments would include all the amenities needed for day to day living (e.g. kitchen, shower etc), but this does not mean that the apartments would not be too small or cramped from an overall floorspace point of view. I find that when reasonable items like tables, beds, seats and other domestic paraphernalia are included in each of the apartments, there would be minimal and tight circulation space for residents leading to cramped and oppressive internal living environments. The inclusion of some outside garden space for occupiers of the apartments would not overcome the fact that internal living space would be deficient for each residential unit.

Other Considerations

7. I accept that the proposal would bring a vacant building back into use and that in this sense there would be some limited enhancement to the character and appearance of the CA. However, it might be possible to opt for a different form of residential development, thereby bringing the building back into use, whilst also ensuring acceptable internal living space: the appellant has not advanced a viability case and so this remains a possibility.
8. The proposal would boost the supply of dwellings in the area with associated economic and social benefits, although the contribution from a net three dwellings would not be significant particularly in the context that the evidence indicates that the local planning authority can demonstrate more than a five year supply of deliverable housing sites. Reference has been made by the appellant to changes to planning legislation in respect of greater freedom to change the use of commercial buildings in town centres to residential use without planning permission. This is not a matter that is directly relevant to this appeal in so far that the building is not currently in commercial use.

Planning Balance and Conclusion

9. I find that aforementioned considerations are not of sufficient magnitude to outweigh the significant harm caused as a result of the cramped nature of the proposed apartments from an overall internal living space point of view. I therefore conclude that the proposal would fail to accord with the amenity requirements of Policy CS2 of the adopted Charnwood Local Plan Core Strategy 2015; paragraph 126 of the National Design Guide and paragraph 127(f) of the National Planning Policy Framework. The Council has referred to the adopted Charnwood Design Supplementary Planning Document 2020, but I do not consider that this is directly relevant to the appeal proposal in so far that it relates to wider design matters and not specifically to living conditions. For the above reasons, the appeal should be dismissed.

D Hartley

INSPECTOR