



Appeal Decision

Site Visit made on 10 November 2020 by Gareth Sibley MPLAN MRTPI

Decision by Christopher Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/P4605/W/20/3257488

43-45 Berkeley Road, Yardley, Birmingham B25 8NW

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 Altaf Hussain against the decision of Birmingham City Council.

The application Ref 2020/02098/PA, dated 14 March 2020, was refused by notice dated 7 May 2020.

The development proposed is erection of two new houses.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the proposed development would provide satisfactory living conditions for its future occupants with regard to internal floor space and outdoor amenity space.

Reasons

4. The site is located within a mixed-use area that has a mix of residential and commercial uses. The site is currently vacant and is commercial in appearance but is located between residential dwellings. The proposed dwellings would be semi-detached, and the appearance of the dwellings would be similar to those within the street scene.
5. The Technical Housing Standards - Nationally Described Space Standard NDSS) was published in 2015. The NDSS sets out a nationally described space standard for new dwellings. Planning Practice Guidance (PPG) states that *"where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard"*¹ (my emphasis). These standards are not adopted in Birmingham Development Plan 2031 (BDP) (adopted 2017), accordingly, there is no local policy requirement for new residential development to achieve the relevant minimum floorspace requirements of the

¹ Paragraph: 018 Reference ID: 56-018-20150327

NDSS and I must consider the appeal on that basis. Notwithstanding that point, the standards are a useful point of reference in terms of gauging whether the space within the units is likely to provide a suitable living environment.

6. The Places for Living Supplementary Planning Guidance (SPG) document was published in 2001 and pre-dates the PPG and does not refer explicitly to the NDSS. Because the SPG was published prior to the release of the NDSS, the Council has not justified why the space standards within the SPG should not mirror those in the NDSS, as required by PPG². Given the age of the SPG and the changes in national policy since that time, limited weight can be attached to it. In any event, the Council did not rely upon the space standards set out in SPG in the determination of the application and relied upon the NDSS.
7. The appellant notes that the properties would be occupied by a three-person household. The appeal relates to two, two-bedroom properties that could be occupied by a four-person household and indeed could be occupied by 4 adults. The properties would not remain in the appellant's ownership in perpetuity and because of this, the dwellings could be occupied by a variety of different households. Whilst the second bedroom's floor space would be below the NDSS for a double bed bedroom, it would be the same width as the main bedroom and would be much larger than the minimum floor space necessary for a single bed bedroom. Consequently, a double bed could fit in the room without making the room unusable.
8. There are differences between the appellant's floor space figures and the Council's but despite this there is an agreement between the parties that the size of the bedrooms would meet the NDSS for double bed and single bed, bedrooms. Notwithstanding the variation between the appellant's the Council's figures, the proposed bedrooms would be an acceptable size and there would be sufficient space to fit in a bed with a wardrobe and chest of draws and allow enough circulation space so as to not feel cramped and as noted above it would be possible to use the smaller bedroom as a double bed bedroom.
9. Regardless of whether the Council's or the appellant's dimensions are used, the internal living space for the dwellings as a whole would be significantly below the NDSS for a two bed, three-person or a four-person two storey house. This is an indication that the ground floor of the dwellings would not provide suitable living space for the future occupiers.
10. Once kitchen cabinets and associated white goods and appliances were installed into the kitchen there would be very limited space in the room for a dining table with suitable circulation space to reach the garden and the bathroom. The bathroom itself would be relatively small, nevertheless, the room would be large enough to accommodate a toilet, sink and a shower and whilst the room would not be spacious it would provide everything necessary for a family bathroom and this would be supplemented by the W/C on the first floor. The living room would be quite narrow and certainly once a sofa, armchair and associated audio-visual equipment are in place the room would feel overly crowded with limited circulation space within the room. Whilst this room would be supplemented by the garden, the living room would be the main shared living space available for the family at all times, whereas the garden would only provide additional space sporadically, reliant upon the weather. Given the narrow size of the living room, alongside the cramped kitchen and

² Paragraph: 020 Reference ID: 56-020-20150327

limited bathroom, the ground floor of the proposed dwellings would not provide suitable internal living space for the future occupiers.

11. Whilst it may not be common in modern homes for bathrooms to be accessed directly via a habitable room, it is not unusual in terraced properties and the need to pass through the living room to reach that bathroom would not cause harm to the living conditions of the future occupiers. Furthermore, there would be a W/C on the first floor of each dwelling which would be accessed via the hallway which would reduce the reliance on the ground floor bathroom.
12. The appellant has submitted an additional plan that was not submitted for consideration by the Council during the application process (DWG No.MT/1). The revised plan denotes that a fence could be installed between the two dwellings delineating the garden for each dwelling. Given that the plan doesn't amend the scheme but provides clarification on the way the garden would be divided I am satisfied that no party will be prejudiced by my decision to take it into consideration. The Council acknowledged that the submitted plan would address their concerns with regard to outdoor amenity space and I agree the gardens would be large enough to provide acceptable outdoor amenity space for each dwelling and the fencing as shown on the plan would provide a suitable delineation between the two gardens.
13. Consequently, whilst the bedrooms would provide an acceptable living space for the occupiers of the dwellings and there would also be suitable outdoor amenity space, the rooms on the ground floor of the dwelling would provide a cramped living space for the future occupiers. Whilst I am mindful that there is no up to date local policy requirement for a specific floorspace to be provided, I am of the view that the scheme would provide a poor standard of accommodation, to the detriment of any future occupiers. Therefore, the proposed development would be contrary to Policy PG3 of the BDP which expects new development to demonstrate high quality design. The proposal would also not accord with Policy TP27 which notes that development should create a strong sense of place with high design quality. Furthermore, the proposal would be contrary to saved paragraph 3.14C of the Birmingham Unitary Development Plan 2005 (UDP) (adopted 1993) which requires development to have regard to the supplementary planning documents and other guidance. The proposal would also be contrary to paragraph 8.27 of the UDP which states that properties should be of sufficient size to permit the creation of individual dwelling units of satisfactory size and layout.

Conclusion

14. The proposed dwellings would redevelop a brownfield site within a sustainable location which would enhance the character and appearance of the street scene. I give moderate weight to those matters given the scale of the scheme. Nevertheless, the internal space provided within the dwellings would be insufficient to provide acceptable living conditions for the future occupiers of the dwellings. The provision of suitable living conditions is a basic necessity of all residential development and I attribute significant weight to this harm and the associated conflict with the policies of the development plan. That harm would not be outweighed by the moderate benefits identified. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR