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# Appeal Decision

Site visit made on 12 January 2021

**by Graeme Robbie BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 January 2021**

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**Appeal Ref: APP/N4720/W/20/3258655**

**10 Gilpin Terrace, Upper Wortley, Leeds LS12 1HL**

- 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 Mrs Carla Rouse against the decision of Leeds City Council.
  - The application Ref 20/03543/FU, dated 18 June 2020, was refused by notice dated 24 August 2020.
  - The development proposed was described as '*Change of use from a 4 Bed 2 Reception room single dwelling into 2 self contained flats with a communal entrance hall. Apartment 10a (Ground floor and Basement) to consist of 2 bed, 1 bathroom, 1 ensuite, separate kitchen and living area. Apartment 10b (First and Second Floor) to consist of 2 bedrooms, 1 bathroom, separate living area and kitchen*'.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appellant has suggested amendments to the appeal scheme as a means to overcome concerns expressed in the Council's refusal reasons. However, no further plans have been submitted in support of the suggested changes, which would also mean that the nature of the proposal would deviate from the initial description of the development set out above,

## Main Issues

3. The main issues are:
  - Whether or not the proposed development would provide adequate living conditions for future occupiers, with particular regard to the quantity and quality of living accommodation;
  - The effect of the proposed development on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance; and
  - Highway safety.

## Reasons

### *Living conditions – future occupiers*

4. Both of the proposed flats would be two bedroomed flats. Although the upper floor flat would retain two (of the four) existing bedrooms, these would become its sole bedroom accommodation. Unlike a number of other properties within the terrace, these rooms in the roof-space are served by rooflights rather than

dormer windows so do not benefit from the additional headroom that dormer windows provide. The submitted plans show storage built into the eaves of each of the bedrooms but the plans, which are hand-drawn, do not give any indication of usable floorspace within either of the bedrooms. As these rooms would provide the sole bedroom accommodation for the upper floor flat, it has not been adequately demonstrated that they would provide sufficient usable floorspace, and thus an appropriate quality and quantity of accommodation.

5. With regard to the lower flat, its second bedroom would be provided at lower ground floor level within what is currently shown as a cellar. Although the Council have not expressed concern about usable headroom within the lower ground floor, the nature of the hand-drawn plans and absence of sections do not allow the appellant to demonstrate adequate floor to ceiling heights. However, of more concern are the absence of any windows to this bedroom. As a consequence, the lower ground floor bedroom would have no outlook, no access to natural light and no source of open ventilation.
6. I have noted that the appellant's photos show that some rooms, but notably seemingly not those within the cellar or second floor, have generous floor to ceiling heights and, because of this and the large windows, appear to be reasonably light and airy rooms. I have also noted the Council's concerns regarding outlook from the proposed ground floor bedroom. Whilst it is not ideal that this room's bay window faces almost directly onto the pavement, the application of an obscure film or surface covering would maintain sufficient light and privacy to occupiers of this room.
7. However, these factors do not offset the shortcomings highlighted above and do not persuade me that the proposal would provide a satisfactory level and quality of accommodation overall. Thus, for the reasons set out the proposal would fail to provide living accommodation of sufficient quality and quantity, contrary to Leeds Core Strategy (CS) policies H6(c) and H9, would not secure the high quality inclusive design sought by CS policy P10 and would not resolve the detailed planning considerations set out by saved Leeds Unitary Development Plan Review (UDPR) policy GP5 in terms of living conditions.

#### *Living conditions – neighbours*

8. The existing dwelling currently has four bedrooms and is capable of providing accommodation capable of occupation by a larger family unit. As such, it is likely that it could already result in a reasonable degree of comings and goings associated with a larger or extended family.
9. Although the proposal would not result in a numerical increase in the number of bedrooms within the unit those four bedrooms would be split across two household units and so patterns of movement may differ from those associated with a single dwelling, even a larger one such as the appeal property. And whilst those patterns of movement may result in an increase in activity and comings and goings, I am not persuaded that they would amount to a materially harmful increase in noise or comings and goings. Nor do I have any reason to believe that future occupiers of the proposed apartments would not adequately maintain the outdoor areas at the appeal site whilst a suitably worded planning condition would allow matters of noise transmission, suppression and insulation to be adequately controlled. There would not, for these reasons, be any conflict with CS policies H6 or P10, or saved UDPR policy GP5 in this instance.

### *Highway safety*

10. The appeal property, like many others on Gilpin Terrace and nearby streets, does not benefit from off-street parking. Currently a 4-bedroomed property, the Council have calculated that the appeal proposal would result in a slight increase in parking requirements. As the increase in parking demand could not be met within the site, the additional demand for parking would fall upon the on-street parking provision.
11. However, the additional parking demand arising from the proposal would be limited. Although not evident at the time of my visit to the site, the Council are concerned about parking pressures in the surrounding streets but I saw that the streets are reasonably wide, offer on-street parking on both sides of the road and do not appear to be busy through-streets. For these reasons, I am not persuaded that the slight increase in parking provision predicted by the Council would give rise to parking congestion that would be prejudicial to highway safety. There would, as a consequence, be no conflict with CS policies T2 or P10, or with saved UPDR policy GP5

### **Conclusion**

12. Whilst I have concluded that the proposed development would not, with the support of suitably worded planning conditions where necessary, cause harm to the living conditions of occupiers of neighbouring properties or to highway safety, the proposed development would fail to provide living accommodation of an appropriate quality or quantity. Thus, for the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Graeme Robbie*

INSPECTOR