



Appeal Decision

Site Visit made on 22 January 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/N4205/W/20/3259432
26 Blackbank Street, Bolton, BL1 8JA

- 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 Karmadi against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 08329/20, dated 7 May 2020, was refused by notice dated 12 August 2020.
 - The development proposed is the creation of a new flat and construction of a rear dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to internal living space and outdoor amenity space.

Reasons

3. The appeal property is located in an urban area characterised by a mixture of residential and commercial uses. The two storey, mid terraced property has previously been subdivided into two self-contained flats, and the proposed development would provide a third flat using the existing loft space, which would be extended through the addition of a rear dormer. Access to the flat would be through the front of the house, with a new staircase from the first floor.
4. Although the Council has not incorporated the Nationally Described Space Standards (NDSS) in its development plan policies, the standards nonetheless provide a useful benchmark for considering the quality of accommodation in terms of floorspace. In this case, the submitted drawings indicate that the proposed flat would have an internal floorspace of around 30m², which in proportional terms is significantly less than the NDSS minimum standard of 37m² for a one bedroom, one person flat with a shower room.
5. Size alone is not the only measure of the quality of accommodation, however, and a small space may be acceptable if the accommodation is of a high standard overall. In this case, the proposed layout suggests that the lounge/kitchen area would be served by two good sized windows, so the space would be bright. However, this room, which would provide the main living

area, would be small, and there is no indication on the plans as to how furniture such as a dining table and sofa could be accommodated within the space.

6. The submitted plans show the bedroom as being larger, but due to the pitch of the roof, part of the room would have a very low ceiling height. Whilst this could provide useful storage, the amount of useable floorspace in the bedroom would be significantly less than that indicated on the floorplans, and the figure of 30m² for the flat as a whole does not take account of this either.
7. The appellant has provided details of a very similar development at the neighbouring property, 28 Blackbank Street (No. 28). Suggestions made by the Council's Housing Standards team to ensure a satisfactory standard of accommodation at No. 28 included the provision of a roof light to the bedroom and information regarding mechanical extraction to the inner bathroom and kitchen. These details, which were incorporated into the scheme subsequently permitted at No. 28, have also been included in the proposal now before me.
8. The Council has not explained why a different approach has been taken in this case than at the neighbouring property. For the reasons given above, I consider the proposed internal living arrangements to be less than acceptable, but having regard to the lack of specific guidance on these matters in the development plan, and taking account of the views of the Council's Housing Standards team in relation to the neighbouring scheme, this deficiency alone would be insufficient to dismiss the appeal.
9. Policy RA1 of the Core Strategy 2011 identifies the importance of making efficient use of land in inner Bolton, but also requires that development provides adequate privacy and amenity space. The General Design Principles Supplementary Planning Guidance (SPG) sets out requirements for the provision of external amenity space in conversions to self-contained flats. Specifically, a communal area of amenity space should be provided for residents, with a minimum area of 18m² per flat.
10. The appeal property has a small rear yard which provides outdoor space and bin storage for the two existing flats. The proposed flat would also share this area. According to the planning officer's report, the total area of existing amenity space in this case is 17m², which is considerably below the 54m² required for three flats by the SPG. I acknowledge that, due to its size, the flat would be unlikely to be occupied by families, and that there are other flats above shops nearby with no external amenity space. However, the lack of provision elsewhere does not justify a lack of adherence to the requirements in this case.
11. Access to gardens and areas of outdoor amenity space is important for the well-being and mental health of everyone, not just families with children. This need has been highlighted during the ongoing health pandemic, when people have been required to stay at home and not travel far. The appeal site is located in a built-up urban area, where access to parks and green spaces within easy walking distance is very limited. There is a gym close by, but use of this facility will have a cost involved, which may be prohibitive for future residents of the proposed flat.
12. The SPG says that external amenity space should include adequate storage areas for, and easy access to, bins and clothes drying areas. The appellant has

confirmed that there would be enough space to store the additional bins, but the proposed flat would have no direct access to the rear yard. In order to reach the outdoor space, future occupiers would need to walk from the front of the building round the side of the block, to the rear yard gate on Back Blackbank Street.

13. Whilst I acknowledge that occupiers of the existing flats at both No. 26 and No. 28 must already do this, the situation is far from ideal. Although a single person may not generate much waste, the need to carry rubbish bags for such a distance could result in additional littering or inappropriate disposal. Furthermore, it is unlikely that future residents would regularly carry washing down two flights of stairs and around the block in order to dry their clothes outside.
14. The arrangements for external amenity space would further compound concerns about the adequacy of the accommodation provided overall. I note the appellant's comments that there is demand for smaller, affordable flatted accommodation in the area, but the proposal would fail to provide the high standard of amenity for future users required by paragraph 127f) of the National Planning Policy Framework (the Framework).
15. I appreciate that these findings will be disappointing for the appellant, particularly given the recent grant of planning permission for similar development at No. 28. However, I am not bound by previous decisions of the Council, and the situation at the neighbouring property does not justify the proposed sub-standard accommodation.
16. I conclude that the proposal would fail to provide satisfactory living conditions for future occupiers, with particular regard to internal living space and outdoor amenity space. The proposal would conflict with Core Strategy Policy RA1, which requires the provision of adequate amenity space in developments in Inner Bolton, and the more detailed guidance on external amenity space for flats contained in the SPG.
17. The Council has referred to Core Strategy Policy CG4 in its decision notice, which is concerned with compatible uses. However, no specific objections have been raised about the effect of the proposal on the amenity of existing uses, and I find no conflict with this particular policy.

Other considerations

18. The appellant contends that the Council's housing land supply position is 3.7 years, which represents a significant shortfall. The Council has not disputed this, and I have therefore assumed that it is unable to demonstrate a five-year supply of deliverable housing land. Because of the provisions of footnote 7, Framework paragraph 11d) should therefore be applied.
19. Paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The requirement that development provides adequate external amenity space, as set out in Core Strategy Policy RA1, reflects Framework paragraph 127 concerning the creation of places that promote health and well-being, with a high standard of amenity of future users. Even taking account of the objective of boosting significantly the supply of housing and the Council's

housing land supply position, the conflict between the proposal and this element of Policy RA1 still carries a significant amount of weight in this appeal.

20. Set against the harm identified there would be very limited economic and environmental benefits associated with the proposal. The proposal would make efficient use of land in an area which is accessible to local services and facilities, but an additional unit would make little difference to the overall supply of housing, and the support one extra household would provide to the local economy would also be insignificant. Consequently, the adverse impacts caused by the failure of the scheme to provide a high standard of amenity for future residents would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

21. The proposal would conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

R Morgan

INSPECTOR