
Appeal Decision

Site visit made on 5 July 2021

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2021

Appeal Ref: APP/N4720/W/21/3272286

Flat 4, 52B Barleyhill Road, Garforth, LEEDS, LS25 1DY

- 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 Bob Feeney against the decision of Leeds City Council.
 - The application Ref 20/08196/FU, dated 9 December 2020, was refused by notice dated 24 March 2021.
 - The development proposed is described as "a single storey side extension to create an additional bedroom for a six bed HMO"
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Preliminary Matter

1. The description of development in the above banner heading is that used on the decision notice and appeal form. The submitted plans show that the proposed extension would provide a larger lounge and dining area for the flat. This would facilitate the conversion of the existing dining room into a sixth bedroom. Given this, in the formal decision I have altered the description of the development to more accurately reflect the work proposed.

Decision

2. The appeal is allowed and planning permission is granted for a single storey side extension and conversion of existing dining room to a bedroom to create a six bed HMO at Flat 4, 52B Barleyhill Road, Garforth, Leeds, LS25 1DY in accordance with the terms of the application, Ref 20/08196/FU, dated 9 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:1250; Roof Plan / Site Plan Dwg No 1A; Existing Floor Plan Dwg No 2; Elevations and Location Plan Dwg No 3A; Proposed Floor Plan Dwg No 4A; Existing/ Proposed Higher Level Plan and Roof Plan Dwg No 5; and 1/100 Site Plan Dwg No 6 part 1 and 2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The front window in the additional bedroom hereby approved shall be top hung and glazed with single sided viewing glass only as shown on the approved plan Dwg No 4A, and shall be retained as such for the lifetime of the development.

Main Issue

3. The main issue in the appeal is whether or not the proposed development would provide adequate living conditions for future occupiers of the flat with particular regard to privacy, internal space, odours and noise and disturbance.

Reasons

4. The appeal property is a 2 storey detached building that comprises 4 flats. The flat to which the appeal relates is currently a 5 bed house in multiple occupation (HMO). The building is located to the rear of No 52 / 52A which is also sub-divided into flats. Between the two buildings is an area of hardstanding that provides parking for both buildings.
5. The proposed bedroom would be located in a single storey element that projects from the main side elevation of the building and would be immediately adjacent to the revised entrance to the property. It would be provided with a window on the front elevation as well as a shallow high level window at the rear. Due to its proximity to the entrance to the flat it is proposed that the front window would have one way glass. As long as the window is top hung, this would provide privacy to, and outlook from, the room even when the window is open.
6. When the lighting is on in the room the privacy provided by the one-way glass may be reduced necessitating the use of curtains or blinds. However, most circumstances when lighting is used, are the same as the times when people generally close curtains/blinds. Consequently, this would not adversely affect the outlook or privacy of occupiers of the room.
7. Whilst I note the Council's concerns regarding whether the windows would provide adequate light to the room, plans provided by the appellant, which have not been disputed by the Council, show that they would enable 100% light penetration to the room. Given this, I am satisfied that future occupiers of this room would have adequate light, outlook and privacy.
8. The Council have indicated that the proposed bedroom, the kitchen and living area would all fall short of the standards required for a 6 bed HMO set out in the emerging *Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-Living Amenity Standards Supplementary Planning Document*. However, the Council have stated that they are currently analysing the responses received from the consultation earlier this year and that it is not expected to be adopted for another 12 months. Given this, and that there is no certainty that these standards will not change before the document is adopted, I only give minimal weight to this document, and the standards it contains.
9. The proposed bedroom would be around 8.1 sqm in size, which is larger than 3 of the existing bedrooms in the HMO, which the appellant has stated have been approved and licensed in the last 12 months. The bedroom would be a regular shape and would be large enough to accommodate a range of furniture. The proposed living/dining area would have seating for 9 people, as well as a dining table that when extended would accommodate 10. In addition, the flat has a kitchen and 2 bath / shower rooms. As such, overall the flat would provide adequate accommodation for 6 residents.
10. Like bedrooms 1 and 2 the proposed bedroom would be close to the kitchen. However, I am satisfied that the two proposed fire doors between the kitchen

and the bedroom would be sufficient to prevent this having a detrimental impact on future occupiers in terms of either noise and disturbance from other occupiers using the kitchen or in respect of odours from cooking.

11. In addition, the bedroom would not directly abut the car parking area and would be shielded from noise and lights of cars using this by the proposed extension. The front window would be adjacent to the entrance to the flat but given the flats location in the site, the only people likely to pass the window would be other occupiers or people making deliveries to the flat. Even if other occupiers worked shifts which resulted in comings and goings late at night or early in the morning, the number of movements would be limited. As such, I consider that the occupiers of the room would not experience unacceptable levels of noise and disturbance from the coming and going of people to the flat.
12. Therefore, all in all, I am satisfied that the proposed development would provide adequate living conditions for future occupiers of the flat with particular regard to privacy, internal space, odours and noise and disturbance. As such, it would accord with Policy P10 (iii) of the *Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (adopted September 2019)* and Policy GP5 of the *Leeds Unitary Development Plan (Review 2006) (adopted July 2006)* which seeks to ensure that developments have a high quality of design that protect visual, residential and general amenity of an area and resolve detailed design considerations.

Conclusion and conditions

13. For the reasons set out above, I conclude the appeal should be allowed.
14. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the area a condition is required to control the external appearance of the extension. To ensure adequate living conditions for future occupiers a condition requiring that the front window in the additional bedroom is top hung and glazed with one way viewing glass is necessary.

Alison Partington

INSPECTOR