



Appeal Decision

Site Visit made on 10 August 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/W4223/W/21/3275606

740 Hollins Road, Oldham, OL8 4SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Sasi Subramanian against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PRO2D/346558/21, dated 21 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is a change of use for the ground floor from office to a studio flat.
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a change of use for the ground floor from office to a studio flat at 740 Hollins Road, Oldham OL8 4SA, in accordance with application Ref PRO2D/346558/21, dated 21 March 2021, and the plans submitted with it.

Preliminary Matters

2. The application for determination as to whether prior approval was required for the change of use for the ground floor from office to a studio flat was made under Schedule 2, Part 3, Class O of the GPDO.
3. Prior to the date of the application, the Government introduced changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO). On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) came into force and provided, amongst other things, that Use Classes A1, A2, A3, B1, D1 and D2 were replaced by (new) Class E in Part A of Schedule 2. However, the Regulations specified that in the period beginning 1 September 2020 to 31 July 2021 any references in the GPDO to uses or use classes specified in the Schedule to the UCO are to be read as if those references were to the uses or use classes which applied on 31 August 2020 – that is, before the UCO Amendment Regs came into force.
4. Additionally, any references to uses or use classes specified in the Schedule to the UCO are to be read as meaning the uses or use classes that applied on 31 August 2020 for the purposes of making a prior approval application. As the planning application and appeal were registered before the expiry date of the transitional period, I have used the original UCO reference for the purpose of this appeal.

Main Issue

5. The main issue is whether the proposal satisfies the requirements of Schedule 2, Part 3, Class O of the GPDO with regard to being permitted development from office (Use Class B1(a)) to residential (Use Class C3).

Reasons

6. Class O of the GPDO states that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the UCO to a use falling within Class C3 (dwellinghouses) of that Schedule is permitted development. This is subject to the criteria set out within Paragraph O.1 and Conditions stated in Paragraphs O.2(1) and O.2.(2).
7. There is no dispute between the main parties that the proposal is consistent with the requirements of Paragraph O.1. The application for the change of use was refused by the Council for the reason that there is no provision for adequate natural light to a habitable room within the dwellinghouse. This would conflict with Paragraph O.2(1)(e).
8. The site accommodates a 2-storey mid terrace unit in a row of similar properties. Within the terrace are a mix of uses including residential and commercial properties, some of which are vertically split and some which have been extended to the rear.
9. The building has been extended to the rear at ground floor level. At the time of my site inspection, the property was empty and unfurnished save for some kitchen units and a bathroom, which are located within the extended area. The layout was substantially consistent with the plans considered by the Council.
10. The proposed dwelling would take the form of a studio flat with the accommodation only at ground floor level. The living and bedroom spaces would be combined. This area would be separate from both the kitchen /dining and bathroom areas. A storage area would be provided within the main living space.
11. The open living area would be served by a large window in the front elevation of the building. This would allow natural daylight to spill into the internal living area. At my site inspection I observed that the depth of the open plan space was significant such that a reduced level of natural light occurs to that part of the room beyond the storage area. However, as a matter of judgement, the level of natural light remains reasonable across the combined space. In my view this would be sufficient to meet the aims and requirement of criteria O.2(1)(e).
12. An additional window to the rear would permit natural light into the rear kitchen. Although not determinative, a dividing wall between the kitchen and main living space incorporates a glazed opening which would augment natural light levels between the two areas.
13. For the reasons given, I find that the proposed residential accommodation would provide adequate natural daylight in all habitable rooms of the proposed dwelling.

Other Matters

14. I note the frustration of the appellant in relation to the level of communication received prior to the Council's determination of the application. However, this is not a matter for this appeal which I have determined on its own merits.

Conditions

15. In accordance with the terms of Paragraph O.2(2)(a) of Class O of the GDPO, development must be completed within a period of 3 years starting with the prior approval date stated at the head of this decision letter.

Conclusion

16. For the reasons above, the appeal should succeed.

R Hitchcock

INSPECTOR