



Appeal Decision

Site Visit made on 17 August 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 8th September 2021

Appeal Ref: APP/M0933/W/21/3273457

31 Anchorite Road, Kendal, Cumbria LA9 5NF

- 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 D Stewart against the decision of South Lakeland District Council.
 - The application Ref SL/2020/0030, dated 14 January 2020, was refused by notice dated 4 December 2020.
 - The development proposed is division of house into 2 No. Dwellings.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. Amended plans (Proposed Plans and Elevations, ref P-03 rev D) have been submitted with the appeal. The larger dwelling would be reduced from 3 to 2 beds. The parking space to the front of the property would be removed and it would be replaced with an area of outdoor space.
3. The Council has been provided with the opportunity to comment on the amended plans in the appeal process. It considers that the revisions would require consultation with the neighbours and statutory consultees. I accept there were no third party objections to the proposal. Nevertheless, and with particular regard to parking provision, which is already sub-standard, I cannot be certain that the interests of third parties would not be prejudiced if I accepted the amended plans. Therefore, I have determined the appeal on the basis of the plans considered by the Council and upon which the views of interested parties were sought.
4. The revised National Planning Policy Framework (the Framework) was published in July 2021. The parties have been provided with the opportunity to comment on the implications of the revisions through the appeal process. Accordingly, I have had regard to the revised Framework in my determination of the appeal.

Main Issue

5. The main issue is whether the proposal would provide an acceptable standard of living conditions for future occupiers, with particular regard to internal living accommodation and outdoor space.

Reasons

6. No 31 is a 2 storey semi-detached dwelling with a 2 storey side extension comprising a garage with a first floor habitable room above. It is in an established residential area within the Principal Service Centre of Kendal.
7. The proposal would be 2 market dwellings. The original part of No 31 would provide a 3 bed unit, albeit bedroom 3 would be small and partitioned off from bedroom 1. Part of the original property would be incorporated with the extension to form a 1 bed unit. There would be 1 parking space. Bin and cycle storage for both units would be to the front of the 3 bed unit.
8. The Technical housing standards – nationally described space standard Adopted March 2015 sets out internal space requirements by levels of occupancy. A 1 bedroom 2 person dwelling over 2 storeys, which is the smallest 2 storey dwelling described, should provide a minimum of 58sqm gross internal space. The internal floor area requirement rises with each additional bedroom and increasing number of persons that could be accommodated.
9. In this case, the 1 bed unit would have a gross internal area of 46sqm, which is well below the national standard. The 3 bed unit would provide 58sqm of internal floor space, which is below the national standard for a 2 bed 2 storey dwellings let alone the standard for even the smallest 3 bed dwelling.
10. The national standard also sets out floor areas and dimensions for key parts of the home. The plans before me do not specify the room dimensions. However, the Council considers that the none of the bedrooms would meet the national standard in terms of minimum floor area and room widths. Even accepting that it might be possible to alter the 3 bed unit to meet the national standard, this would not overcome the concerns in relation to the bedroom in the 1 bed unit which, although reasonably large, is very narrow. Taking account of the doorways and the need for circulation space, it has not been demonstrated that the 1 bed unit bedroom could accommodate twin beds let alone a double bed.
11. The Council has not formally adopted the national standard for pragmatic reasons, including that it is awaiting the government's review of the standard and because it has historically permitted dwellings that fail to meet the standard. Nevertheless, in the absence of local defined standards or other substantive guidance in relation to the acceptable size of dwellings, the national standard is a useful starting point for assessment. Moreover, while small market dwellings will be more affordable than larger dwellings with adequate living space, there is little evidence in relation to any particular local circumstances that would justify the creation of substantially small and poorly designed dwellings, in particular the 1 bed unit.
12. Following the subdivision of the tapering rear garden of the appeal property, future occupiers of the 3 bed unit would have a reasonable area of rear outdoor space. The area to the front of the 3 bed unit would also provide outdoor space for that dwelling. Its function would be compromised somewhat by the combined arrangements for bin and cycle storage for both units, which would result in its regular use by the neighbours. Nevertheless, there would be a reasonable extent of outdoor space for the 3 bed unit.
13. The area to the rear of the 1 bed unit would be shaded, small, awkwardly shaped and with a marked change in level. It would not provide any meaningful

outdoor space for future occupiers. The frontage of the 1 bed unit would be in use for parking. Even if future occupiers of the 1 bed unit did not have a car or did not always use the frontage parking, nevertheless it would be constrained by its size and width and the access to the front and to the rear of the dwelling.

14. Consequently, the proposal would fail to provide adequate functional outdoor space for the future occupiers of the 1 bed unit. It would not meet even their most basic needs in relation to areas for planting, sitting out, drying of laundry, children's play or storage. There are public open spaces in the area, including at the corners of nearby road junctions. However, these do not fulfil the same function and they would not compensate for the lack of useable outdoor space.
15. Therefore, the proposal would fail to provide an adequate standard of living conditions for future occupiers, with regard to internal and external space. It would conflict with Policies DM1 and DM2 of South Lakeland District Council Development Management Policies Development Plan Document Adopted March 2019. These require, among other things, that development ensures acceptable levels of amenity for future occupiers, that it provides sufficient space and takes into account the needs of potential users. It would conflict with the Framework in relation to development that functions well, that promotes health and well-being and with a high standard of amenity for future users.

Other Matters

16. The appellant's personal circumstances have changed and he no longer requires the extent of internal space provided by the extended appeal dwelling. Based on the information before me, the personal circumstances do not weigh in favour of the proposal.
17. The proposal would not harm the character and appearance of the area, nor would it harm the living conditions of the neighbouring occupiers of No 33. These are requirements of the development plan and they carry neutral weight.
18. Planning permission (ref 5011490) for the attached garage with first floor extension requires a second parking space within the site. This space has not been provided and the existing parking provision is below Cumbria County Council's parking standards. While the proposal would exacerbate the shortfall in parking provision, the highway authority considers it would not significantly harm the safe operation of the highway. This carries neutral weight.

Conclusion

19. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that harm.
20. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR