



Appeal Decision

Site Visit made on 21 September 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/N4720/W/21/3279390

44 Headingley Avenue, Headingley, Leeds LS6 3ER

- 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 Springwell Easylets against the decision of Leeds City Council.
 - The application Ref 21/01717/FU, dated 1 March 2021, was refused by notice dated 25 June 2021.
 - The development proposed is a self-contained studio flat to basement.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is clear that the application was submitted retrospectively and I have considered the appeal on that basis.

Main Issue

3. The main issue is whether the development provides an acceptable standard of living for its occupiers.

Reasons

4. The proposal is a self-contained 1-bed, 1-person basement flat comprising of a living/bed area with a shower room and separate kitchen. I am informed that the basement was previously in use as part of the house in multiple occupation (HMO) which occupies the upper floors of the terraced property.
5. Policy H9 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (the CS) requires all new dwellings to comply with minimum space standards, which for a dwelling unit of this type, is a gross internal floor area (GIA) of 37m².
6. According to the drawings, the GIA of the basement flat is 29.5m², which represents a significant shortfall against the minimum space standard requirement of CS Policy H9. Consequently, the living conditions of the occupant of the flat are unacceptably compromised through insufficient space. Whilst I have had regard to the appellant's comments regarding the facilities provided, the residential space standards exist to ensure an appropriate standard of accommodation for all occupiers, regardless of whether some may be prepared to accept lower standards. In any event, the space standards are expressed as minimum requirements and there is no compelling evidence before me as to why a standard less than the minimum should be accepted in this case.

7. In addition, CS Policy H6 requires that, among other things, flat conversions provide satisfactory internal living accommodation for the occupiers in terms of daylight and outlook.
8. The only windows serving the flat are in a half-glazed entrance door with a narrow glass strip at the side. These glazing areas are small in size and located below street level with the communal bin store located above. I observed that the glazing is currently obscured, but even with clear glazing installed, the accommodation would have a very poor outlook. Furthermore, given the orientation, size, and location of the windows, as well as the compact grain of the surrounding terraced housing, these windows are likely to be shaded for most of the day. As such, and in the absence of any technical submissions addressing the availability of sunlight and daylight, I am not satisfied that there is a sufficient level of natural light available to the flat. Nor does there appear to be any means to open the windows to provide natural ventilation to the flat.
9. Overall, the small size of the flat, in combination with the poor outlook, insufficient natural light, and absence of natural ventilation, leads me to conclude that the basement flat is an unduly cramped, oppressive and unattractive place to reside in. A reduction in the number of people sharing facilities in the HMO and the absence of complaints from occupiers of the flat does not justify provision of the wholly substandard accommodation proposed.
10. I therefore conclude that the development does not provide an acceptable standard of living for its occupiers, which is harmful to their living conditions. The proposal conflicts with CS Policy H6 through failing to meet minimum space standards, and with CS Policy H9 by failing to provide satisfactory internal living accommodation, particularly in respect of daylight and outlook. The proposal is also contrary to paragraph 130 of the National Planning Policy Framework, which among other things seeks to ensure developments will function well and promote health and well-being, with a high standard of amenity for existing and future users.

Conclusion

11. The proposal conflicts with the development plan and Framework as a whole and there are no other considerations that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR