



Appeal Decision

Site Visit made on 10 August 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2021

Appeal Ref: APP/G4240/W/21/3273410

149 Mottram Road, Hyde SK14 2NX

- 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 Amir Raza against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/01206/FUL, dated 14 December 2020, was refused by notice dated 8 February 2021.
 - The development is described as a proposal to change basement space of existing dwelling into self-contained flat with separate access and shared amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was submitted, the revised National Planning Policy Framework (Framework) was published in July 2021. I have taken this into consideration in determining this appeal.

Main Issues

3. The main issues are (i) whether the proposed development would provide for a satisfactory standard of accommodation for its future occupiers with particular regard to the degree and quality of internal and external space available, light and ventilation; and (ii) the proposal's effect on the living conditions of the occupiers of 149 Mottram Road, with particular regard to the amount of garden space that would remain for that purpose.

Reasons

Standard of Accommodation for Future Occupiers

4. The proposed basement flat would comprise of around 47sqm of internal floorspace. Although the appellant states that this would meet national space standards, the Technical housing standards – nationally described space standard (2015) require a 1 bedroom 2 persons dwelling, such as the proposal, to be a minimum of 50sqm. I do not therefore consider that there would be ample space for a couple to reside within the flat as the appellant sets out and the development would provide unduly cramped internal living conditions for future occupants.
5. The bedroom would only be served by one small high-level window and the glazed doors to the living kitchen space would be situated underneath a

covered terrace, as would the larger glazed opening to the dining area. This would lead to poor levels of natural light, particularly given the north facing rear elevation of the property. Whilst all habitable rooms would be served by a window or glazed opening, the size and position of these openings would curtail the amount of light reaching internally.

6. The Council has set out concerns in relation to ventilation and more specifically the bedroom window being susceptible to exhaust fumes. The proposed bedroom window would be to the side facing Albert Street. I could see that this would be restricted in terms of its size and the way it would likely open as it adjoins the footway. It would however be separated from the vehicular carriageway by the footway, which from my site observations on Albert Street is lightly trafficked. I therefore consider that exhaust fumes would not have an unacceptable impact in relation to ventilation.
7. The basement flat would be provided with a private terrace, that would be of exclusive use to the future occupiers of the basement flat. This would be in addition to the shared garden area. As such I consider the amenity space provision to be appropriate.
8. Nevertheless, I conclude the development would not provide satisfactory accommodation for future occupiers with regard to the size and quality of the internal floorspace. As such, it would be contrary to Policy H10 of The Tameside Unitary Development Plan (2004) (UDP), which seeks to meet the needs of potential occupiers and with paragraph 130 of the Framework which seeks a high standard of amenity for existing and future users.

Living Conditions of Occupiers of No 149

9. The proposal would provide a shared garden to the rear, which would be used by occupants of the existing family dwelling at No 149. It would also be available for use by the future occupants of the basement flat and the Council has raised concerns on the potential for conflict between occupiers of the respective households using this space. I do not however consider it unusual for an amenity space to be shared, including access arrangements where there are a number of residential units on a site. As the occupants of the existing dwelling on the upper floors would have their own private terrace, like the basement flat in addition to the shared garden space, I consider that the proposal would provide adequate outdoor amenity space for typical activities such as sitting out, as well as areas for bin and cycle storage which are clearly identified on the submitted plans.
10. For these reasons I conclude that the development would not have a harmful effect upon the living conditions of the occupiers of No 149. It would therefore not conflict with Policy H10 of the UDP or with Policy RD11 of the Tameside Residential Design Supplementary Planning Document (2010) in relation to private amenity space. It would also not be contrary to paragraph 130 of the Framework which seeks a high standard of amenity for existing and future users. Reference has also been made to Policy 1.5 of the UDP, but this is a strategic policy setting out guiding principles for the plan and does not address specific living condition matters set out in the main issues.

Other Matters

11. Concerns have been raised in relation to the low-level bedroom window to the basement flat being highly susceptible to litter and dust. It does seem that there may be mitigation measures that can be used to address this and this matter is not in any event determinative in this appeal.
12. Reference has been made to other applications in the area for similar proposals which have been granted planning permission. The Council, for its part, has indicated why planning permission was granted. It is evident that the circumstances of the referenced cases differed in that they were considered in a different policy context or the details of those developments, such as the window arrangements were different. Each case must be determined on its own individual merits and/or impacts, having regard to the particular circumstances involved. As such, parallels are not easily drawn and I can confirm that I have determined this appeal on its own merits.
13. The appellant has raised concerns as to the manner in which the application was handled. However, procedural grievances such as this are beyond my remit and must remain as matters between the two main parties involved.

Conclusion

14. I have found in the appellants' favour in relation to the effect on the living conditions of occupiers of No 149. However, this is outweighed by the poor standard of accommodation that would be created for future occupants. Accordingly, for the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR