



Appeal Decision

Site visit made on 18 January 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/N4720/W/21/3281031

7 Wellington Terrace, Bramley, Leeds LS13 2LH

- 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 Lewis Dickson against the decision of Leeds City Council.
 - The application Ref 21/03081/FU, dated 28 March 2021, was refused by notice dated 23 June 2021.
 - The development proposed is change of use C3 to C4. 4 bedroom non licensed small HMO with shared amenities (kitchen/living/bathrooms).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal refers to the Houses in Multiple Occupation – Supplementary Planning Document (Draft). Annex 2 of the National Planning Policy Framework (the Framework) advises that supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan. However, as the referenced document remains to be formally adopted and it is unclear what, if any, consultation has taken place in its development, or the nature and status of representations made on issues raised within it, it is a matter of limited weight in the determination of this appeal.
3. The second reason for refusal of planning permission also refers to Bedroom 2 as indicated on the submitted plans. However, the assessment in the Council's report identifies Bedroom 3 as the subject of concerns in relation to room size. This is acknowledged by the appellant. Accordingly, there is no dispute that the concerns in reason for refusal 2) relate to Bedroom 3 (only) and I have proceeded on that basis.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of prospective occupiers with particular regard to outlook, natural daylight and room size.

Reasons

Outlook and natural light

5. The appeal building is a back-to-back, mid terrace, 2-storey building with a basement level. A dormer window extension to the street-facing roof slope facilitates use of the roof space to provide accommodation on 4 levels in all.

6. As a mid-terrace unit adjoining a corresponding terrace fronting on to Wellington Mount to the rear, window and door openings are restricted to the front elevation only. The basement level is laid out as the main habitable room providing the only communal living space within the property. It incorporates a single open-plan room providing a combined kitchen and lounge living space.
7. The room has a low ceiling and benefits from two small window openings positioned high on the internal front wall. A window above the kitchen sink has its sill level just below the external ground level. It provides a limited outlook marginally above the level of the external forecourt paving. A smaller recessed opening alongside the intended lounge space, which is not shown on the submitted plans, is set slightly below the ceiling level and provides a highly restricted outlook due to its size and position.
8. The areas of glazing are very limited. Although the orientation of the terrace is such that some direct sunlight could reach the windows during morning hours on clear days, the extent of natural daylight entering the room is highly restricted. Even accounting for the fact that the main surfaces of the walls and ceiling are finished in white, and the light glossy finishes of the floor and wall tiles are intended to maximise light, the amount of ambient daylight was observed to be low.
9. Although I am not referred to any prescribed lighting requirements by the Council, the observed level of natural light was significantly limited and to the extent that occupiers would be substantially reliant on artificial lighting throughout the day. I find that the low level of natural lighting and limited outlook would fail to provide a suitable standard of living conditions for the main habitable room accommodation.
10. I acknowledge the appellant's contention that the Council's draft SPD anticipates that occupiers of HMO's might be more likely to spend time in individual spaces than shared areas; that occupancy may be based on limited tenancy terms; or, it may offer a low-cost housing solution. However, I do not consider that those arguments provide a good reason for accepting a low standard of accommodation beyond the individual bedroom spaces.
11. I also note that use of the property by occupiers of a single household could rely on the existing internal arrangement without recourse to further planning controls. However, occupation by a single household unit generally provides greater flexibility and choice in the use of rooms. Unlike the proposal for a 4-bedroom HMO, this would be a matter of informed personal choice for the single household unit.
12. For the reasons above, I find that the proposed shared habitable living space would provide a poor standard of living conditions for prospective occupiers. It would conflict with Policy H6 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019) [2019] (CS), Saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (UDP) and the Framework as they seek new development, including HMOs, to address and resolve amenity concerns.

Room size

13. The Council's development plan policies do not specify a minimum floorspace requirement for rooms within HMOs. The Planning Practice Guidance states that

'Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard.' Whilst the technical housing standards (THS) cannot, therefore, be afforded significant weight in this case, they provide a guideline to the standards of accommodation that would normally be expected for reasonable day-to-day living needs.

14. There is no dispute between the main parties that Bedroom 3 shows a room of about 6.6m² in area. This falls below the nationally described space standard but would exceed a guideline relating to minimum sleeping room sizes in the Houses in Multiple Occupation and Residential Property Licensing reform: Guidance for Local Housing Authorities, as referred to by the appellant. This seeks to prevent the use of rooms of less than 6.51m² for sleeping.
15. At the time of my site inspection the room was laid out providing a ³/₄ (or small double) bed, a desk space and storage unit. The floorspace shown on the plans was augmented by usable storage space under the lower roof slope below part of the window opening. The room was finished to a high standard and the large window openings provide ample natural light and a broad outlook which result in an increased sense of spaciousness.
16. Taking those circumstances together, I find that the small deficit of floorspace measured against the THS would not cause the room to provide a substandard level of accommodation. It would provide adequate private bedroom and storage space and allow for study in the event it was occupied by students. Accordingly, I find it would provide adequate levels of amenity for its occupier and would align with the requirements of Policy P10 of the CS, saved Policy GP5 of the UDP and the Framework as they seek high standards of residential amenity for future users.

Other Matters

17. I recognise that the proposal meets other policy criteria in relation to HMO's. However, as requirements of the local plan, these are not benefits in favour of the proposed development.

Conclusion

18. Notwithstanding my finding in favour of the appellant in respect of the standard of the proposed bedroom accommodation, this does not outweigh the significant harm caused by the poor levels of natural daylight and restricted outlook from the main communal living space within the basement area. The proposal would result in a poor standard of living conditions for prospective occupiers and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR