



Appeal Decision

Site visit made on 22 March 2022

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 8 April 2022

Appeal Ref: APP/N4720/W/22/3290333

344 Meanwood Road, Meanwood, Leeds LS7 2JF

- 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 R Aitkens against the decision of Leeds City Council.
 - The application Ref 21/02674/FU, dated 21 March 2021, was refused by notice dated 8 July 2021.
 - The development proposed is the conversion of a house to form four self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The development proposed has been carried out. The main issues in this appeal therefore are:
 - whether the flats that have been created provide acceptable living conditions in terms of internal living space and outdoor amenity space;
 - the effect of the development on the mixture of housing available in the area;
 - the effect of the development on highway safety;
 - the effect of the development on the living conditions of neighbours with regard to the intensification of use and noise and disturbance; and,
 - whether the basement flat has an acceptable outlook and levels of natural light.

Reasons

Internal living space and outdoor amenity space

3. The Nationally Described Space Standard (NDSS) published by government as part of its Technical Housing Standards in 2015 sets minimum internal space standards for new dwellings. Policy H9 of the Core Strategy has adopted these standards and requires that all new dwellings provide gross internal floor areas and built in storage areas of 37m² for a one bedroom, one person flat with a shower and 50m² for a one bedroom, two person flat.
4. The Council states that the basement and first floor flats have floor areas of approximately 43m², that the ground floor flat has an area of approximately 30m² and the second floor flat having an area of approximately 34m². These figures have not been disputed by the appellant.
5. All four flats therefore fail the 50m² standard for a two person, one bedroom flat and only the basement and first floor flat are of a size that meets the space standard for a one person, one bedroom flat.

6. Having viewed all four flats it is clear to me that the ground and first floor units are particularly small. Even for one person these flats lack sufficient space to accommodate basic items of furniture and possessions whilst also allowing the occupant to easily move around and carry out day to day activities. The basement and first floor flats are larger. However, with the additional demands on space created by two person occupation they would suffer from the same problems as the two smaller flats.
7. The flats fail the space standards by between 3m² and 7m². As the standards though are minimum standards the policy requirement is that new flats meet or exceed the standards. For this reason, and my observations about living conditions in the previous paragraph, the extent of the shortfall is not a consideration of material weight in favour of finding that the of the flats would be acceptable.
8. The basement and first floor flats could be limited by condition to single occupancy. However, as the ground and first floor flats are too small to be occupied as dwellings these units could not be made acceptable by a suitably worded condition.
9. In relation to outdoor amenity space, with a large lightwell and bin storage for all four flats to the front, and parking occupying the rear, there is no outdoor amenity space provision for occupiers of the development. Moreover, no named public open space within easy walking distance has been referred to as potential compensation for the lack of such provision, nor during my visit to the site did I see any.
10. In support of the appeal, reference has been made to a permission in Leeds for the conversion of a house into three flats¹. However, unlike the appeal development, this conversion has a rear yard for use by one of the flats and the small front garden is available for use by the other two flats. As a result, the permission referred to is materially different to the appeal development. Reference to it therefore has not altered my findings in relation to the issue of outdoor amenity space provision.
11. For the reasons that I have given, I therefore find that the development has resulted in cramped, unacceptable living conditions in the ground and second floor flats, and has failed to provide outdoor amenity space, contrary to policies H9, P10 and H6 of the Leeds Core Strategy ('Core Strategy'), saved policy GP5 of the Leeds Unitary Development Plan Review (UDP) and the supplementary planning guidance 'Neighbourhoods for Living' (SPG). Policies P10, H6 and GP5 seek good design and a principle contained within the SPG is that outdoor amenity space is provided in all new developments, including flats. As the SPG has been subject to public consultation and is formally adopted I attach significant weight to it.

Housing Mix

12. It is not contested that Leeds City Council's Housing Needs Assessment shows that there is a demand for family housing in the area in which the appeal address is located. In such circumstances, policy H6 of the Core Strategy requires that where the conversion of an existing house into flats is proposed, provision is normally made for at least one family sized flat. No such flats are proposed.
13. The appellant states that the lawful use of the building is as a House in Multiple Occupation and that the development therefore would not result in the loss of a dwelling house. In support of this he states that the property was purchased as a

¹ Ref 20/08395/FU

House in Multiple Occupation (HMO) (use class C4) in 1993/1994 and has continued to operate as a HMO since then.

14. The Council's delegated report, which it relies on as its statement of case, acknowledges that council tax records show that the property has been operated as a HMO. However, it notes that no planning history for the property can be found and that the planning application form states that the existing use of the building at the time that the application was made was as a house that forms a single residential unit (use class C3).
15. There is no indication from council tax of when the property was operated as a HMO. Given this, the absence of planning history and the application describing the use of the building as a house forming a single residential unit, for the purposes of this appeal, I attach little weight to the position that the lawful use of the building is as a HMO. I have therefore determined the appeal on the basis of its use described on the planning application form. My finding in relation to this matter does not prejudice any future application for a lawful development certificate.
16. It is stated that 71% of housing in the ward is family housing and that, as a result, the development in failing to provide a family sized unit would not detrimentally affect the amount of family housing. However, this argument, if accepted, could be often repeated for other conversions of houses to flats. Cumulatively this would exacerbate the adverse effects that the loss of family sized accommodation would have on the area and undermine the overall housing development strategy for the locality.
17. Taking all these matters into account, I therefore find that the proposal would harm the supply of family housing in the area, contrary to policy H6 of the Core Strategy.

Highway safety – mention parking on Wharfdale Ave and site access

18. Based upon the supplementary planning documents (SPD) 'Leeds Parking', and 'Street Design Guide' the Council's normal parking standard for a development consisting of four flats is four parking spaces. With the on-road parking permit the address is entitled to this translates to the provision of three off-road parking spaces. Due to the narrow width of the parking area created to the rear of the building only one car could be parked without blocking another car in. In conjunction with the on-road parking permit the development could therefore only provide two parking spaces. However, the 'Street Design Guide' advises that '*as a general rule the City Council will seek to ensure car parking take into account both the potential impact on the surrounding area and the availability of public transport in the vicinity*'.
19. The appeal site is located on a primary distributor road close to the city centre. Within 50m of the house on both sides of the road are bus stops with regular services to and from the city centre and beyond. As a result, the appeal site is well served by public transport and with the secure cycle parking provided on site occupiers of the development would not be reliant on owning a car for transport. Furthermore, on street parking is strictly controlled. Subject to the enforcement of these restrictions it is unlikely that if any additional parking was generated by the development that it would park on Meanwood Road in such a way that would impede the free flow of traffic or reduce intervisibility to the detriment of highway safety.
20. Parking may occur on Wharfdale Avenue opposite. However, as a residential side street with a steep gradient and tight bends it is a low speed environment. As a

result, any reduction in intervisibility generated by additional parking associated with the development is unlikely to harm highway safety. Similarly, in comparison to the use of the building as a dwelling house, which the Council states would normally require two parking spaces, the provision of a single parking space to the rear would not exacerbate the use of the shared rear access and the restricted visibility at its junction with Meanwood Road. In such circumstances I therefore find that the achievable provision two parking spaces to the development would be acceptable.

21. For the reasons given above, I therefore conclude that the development does not materially harm highway safety, nor is it detrimental to the free flow of traffic and general operation of the highway network. As a result, it would comply with policy T2 of the Core Strategy, saved policy GP5 of the UDP and the guidance within the Leeds Parking SPD, Street Design Guide SPD and the Draft Transport SPD.

Intensification of use and the residential amenity of neighbours

22. In comparison to a dwelling house in single family occupation (use class C3) the conversion of the building into four self-contained flats, which includes conversion of the roof space, would intensify the use of the building. However, with the strict control in relation to sound insulation that apply to such conversions by virtue of Building Regulations, noise generated internally would be well controlled. In relation to external noise, whilst there would be more comings and goings, there are no substantive grounds for believing that such activity would be significantly noisier than if the building was occupied by one household.
23. Accordingly, I find that the development would not result in increased noise and disturbance to the extent that the living conditions of neighbours would be adversely affected to material degree. The development therefore complies with policies P6 and P10 of the Core Strategy and saved policy GP5 of the UDP which seek to prevent such harm.

Outlook and levels of natural light

24. Owing to the downwards slope of the site, the bedroom of the basement flat located at the front of the property is below ground level, whilst the kitchen and living area to the rear is in an elevated position.
25. The lightwell that has been provided to the bedroom is large and in conjunction with the bay form of the window ensures that ample natural light serves this room. In relation to outlook, as the bedroom is only partially below ground level views of the road are also provided. With regard to the kitchen and living area to the rear, its elevated position above the height of the parking area means that open views of the industrial estate and beyond are provided.
26. For the reasons given, in terms of levels of natural light and outlook acceptable living conditions are provided. In this regard the development would therefore comply with policy H6 of the Core Strategy, saved policy GP5 of the UDP which seek to prevent such harm.

Conclusion

27. The appeal property is within a main urban area of Leeds where the principle of development is supported by Spatial Policy 1 and policy H2 of the Core Strategy. In compliance with the development plan, the development does not harm highway safety and the intensification of use would not result in noise and disturbance that

would harm the living conditions of neighbours. Satisfactory living conditions are also provided for the occupiers of the basement flat.

28. The development though has resulted in cramped, unsatisfactory living conditions in the ground and second floor flats contrary to policies H9, P10 and H6 of the Core Strategy. It also harms the supply of family housing in the area, contrary to policy H6 of the Core Strategy. As a result, I find that the proposed development would be contrary to the development plan considered as a whole.
29. It is stated that a benefit of the scheme is that the use of the building as flats improves amenity of neighbours as, in comparison to use of the building as a HMO, occupiers are less likely to be students. Similarly, it is stated that the use of the building as flats rather than as a HMO generates far less parking. However, given that I have attached little weight to the position that the lawful use of the building is a HMO, I attach little weight to these considerations as benefits that weigh in favour of the scheme. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan.
30. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector