



Appeal Decision

Site visit made on 17 March 2022

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 11th April 2022

Appeal Ref: APP/W4705/W/22/3291360
19 Hallfield Road, Bradford BD1 3RP

- 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 Jamil Ashraf of Jmail Assets Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/03513/FUL, dated 17 June 2021, was refused by notice dated 25 August 2021.
 - The development proposed is conversion of existing basement space to form a single self-contained apartment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit, I noted that the building works appeared to be complete and the basement has been fitted out as a one bedroom apartment albeit unoccupied. Nonetheless, I have proceeded to determine the appeal on the basis of the plans and information that were before the Council at the time of its decision.
3. Both parties' statements confirm that the second reason for refusal, relating to access to the communal outdoor area, no longer forms part of the appeal. No representations have been made with respect to this particular matter and I therefore make no further reference to it in this decision.
4. As the proposal relates to a listed building which is located within the Eldon Place conservation area (EPCA) I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The Council have separately granted listed building consent¹ for the works to the basement, and this followed a previously approved planning application and listed building consent² for the conversion of the remainder of the main building to apartments.

Main Issue

5. The main issue in the determination of this appeal is the effect of the proposal on living conditions of future occupiers with particular reference to outlook and light.

¹ 21/03514/LBC

² 20/04830/FUL and 20/04831/LBC

Reasons

6. No. 19 Hallfield Road (No. 19) is an end-terraced two storey residential property with basement. Together with the rest of the terrace, it is Grade II listed and is situated within the EPCA. Prior to its current redevelopment, the building was unoccupied for a number of years. The supplied photographs indicate it was in a poor condition and had previously suffered a long period of neglect.
7. The proposed basement apartment to No. 19 is entirely below ground level and has two windows. One window faces broadly north west towards the rear and serves the kitchen/ living area, whilst the other window is to the sole bedroom which faces broadly south east onto Hallfield Road. There are no further windows to the remainder of the apartment comprising a utility room, bathroom and hallway. The Council are concerned about inadequate levels of natural light and poor outlook to the habitable rooms only.
8. Policy DS5 of the Bradford District Local Plan Core Strategy Development Plan Document 2017 (the Core Strategy) at point F seeks for development proposals to avoid harm to the amenity of existing or prospective residents. Policy HO9 of the Core Strategy refers to quality of new housing development, and at point E requires (amongst other matters) rooms in new homes to receive adequate levels of daylight.
9. The Council's Supplementary Planning Document (SPD) on design³ offers more detailed guidance on these matters. Principle 3.1 of the SPD requires proposals to demonstrate how views and aspect amongst other matters have been considered. It also recognises that, in relation to conversion of existing buildings, and in particular heritage buildings, interventions to meet the guidance can be a particular challenge.
10. I acknowledge that basement flats often have a lower standard of outlook and levels of light by their very nature of a below ground location. In this case, I saw on my site visit that the light wells have been lined with a coursed stone which is a good match for that on the main building. Beyond these walls and the new boundary railings above, glimpses of the sky are possible from both rooms. I saw that the kitchen/ living area has some limited views of the shared rear yard area, and from the bedroom views are possible of the street. In terms of outlook, I find that whilst the windows provide a limited view, it is not so unpleasant that it would warrant rejection of the appeal on this basis.
11. Principle 3.4 of the SPD specifies that homes should be dual aspect, with generous floor-to-ceiling heights, and must have direct sunlight into at least one living, kitchen or dining space. The proposed apartment is dual aspect, and there is no evidence before me to suggest that ceiling heights are inadequate.
12. The SPD goes on to say that in instances where good levels of natural light may not be achieved, applicants will be required to submit further evidence to justify their proposal. The Planning Practice Guidance (PPG) 'Effective Use of Land' refers to the need for decision makers to make an assessment as to whether daylight and sunlight will provide satisfactory living conditions for future occupants. In this instance, a Sunlight and Daylight Assessment (SDA) has been submitted based on criteria set out in the Building Research

³ Supplementary Planning Document - Homes and Neighbourhoods: A Guide to Designing in Bradford (2020)

Establishment (BRE) guidance⁴. Whilst the guidance is not referenced in local or national planning policy it provides a useful tool for interpretation of daylight and sunlight levels, to assist in making a judgement on effects on living conditions.

13. However the SDA has limited value in my findings because there does not appear to be an assessment of the north west facing window, and the south east facing window is incorrectly identified as serving the kitchen/ living area. It is not sufficiently explained in the appellant's evidence why the north west facing window has not been assessed.
14. To my mind, whilst both windows serve habitable rooms, it is more important that kitchen/ living area should receive adequate levels of light given it is more likely to be in more intensive use in daylight hours. Whilst the south east facing window meets the minimum recommended Annual Probable Sunlight Hours in summer, the winter and whole year values (and those for the north west facing kitchen/ living area window) would be significantly less than the quoted values.
15. The PPG notes that the assessment of daylight and sunlight will depend to some extent on the context and detailed design. It gives areas of high-density historic buildings as an example as a location where lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings. I have had regard to the constraints of the building and I acknowledge that an increase in the size of light wells may have consequential effects on the special interest of the listed building. I also find that the room sizes, dual aspect layout and use of space in the apartment are satisfactory, as is the outlook from each of the affected rooms. Nonetheless, based on the evidence before me, the lack of natural light to the kitchen/ living area in particular would be harmful to the living conditions of future occupiers who would be likely to need to use electric lighting for a large proportion of the day.
16. There are a number of benefits related to the proposal including the efficient use of a previously derelict property and this would accord with paragraph 120 d) of the Framework in supporting the development of under-utilised land and buildings. The Council has confirmed that there is an undersupply of developable housing land in the City. The urgent need for additional housing adds weight in favour of the proposal, nonetheless I find the benefits to be moderate given that a single residential unit would make a limited contribution to the deficit.
17. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. I acknowledge that there may be a demand for suitable accommodation for vulnerable adults and persons with disabilities in the locality, but there is insufficient information before me to establish how the proposed accommodation would be particularly suitable for such occupants. Furthermore, neither party have proposed a mechanism which would limit its use.
18. Nevertheless, no matter what the characteristics of future occupants may be, the apartment would receive insufficient natural light and this would be harmful to living conditions. The proposal therefore fails to accord with Core Strategy Policies DS5 part F and HO9 part E, together with paragraph 130 f) of the

⁴ Site Layout Planning for Daylight and Sunlight: a good practice guide, 2nd Edition by P J Littlefair 2011

Framework which advises that developments should create places that are safe, inclusive and accessible with a high standard of amenity for future users.

Other Matters

19. I have had regard to the Grade II listed status of No. 19 and its neighbours, however listed building consent has been previously granted by the Council for the works. I therefore make no further conclusions in this respect.
20. In considering this appeal against refusal of planning permission I am obliged by the Act to consider the extent to which the proposal would preserve or enhance the character or appearance of the conservation area.
21. The EPCA covers an area of mid-19th century housing which the EPCA appraisal notes is an attractive suburban area forming a key part of Bradford's industrial legacy. Its significance, insofar as it relates to this appeal, is primarily associated with the uniform use of traditional natural building materials and the formally laid out street pattern. Traditional architectural features and Italianate detailing, in particular to the columned doorway, remain present at No. 19. As part of the group the main building directly and positively contributes to the significance of the EPCA. I noted such features have been sympathetically restored as part of the ongoing redevelopment of the building and are unaffected by the basement proposal.
22. I find that the two lightwells inserted below ground level are unobtrusive in their appearance and have been finished in materials to match the main building. The proposal has a neutral effect and therefore preserves the character and appearance of the EPCA.

Conclusion

23. The proposal would fail to provide adequate natural light in the north west facing kitchen/ living area of the basement and would result in harm to living conditions of future occupiers. Therefore the appeal is dismissed.

Susan Hunt
Inspector