



Appeal Decision

Site visit made on 24 May 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/M4510/W/22/3292981

24 Tankerville Terrace, Jesmond, Newcastle Upon Tyne NE2 3AJ

- 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 Andrew Pellegrino of Pellegrino Lets .com against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2021/1620/01/DET, dated 11 August 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as 'change of use from 8-bedroom HMO (sui generis) to two-storey, independent dwelling-house (Use Class C3) with retained 7-bedroom HMO (sui generis) with shared garden / curtilage areas (only physical works are internal, no elevational or site layout changes)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In refusing planning permission, the Local Planning Authority (LPA) raise no issues with the proposed 7-bedroom HMO. My deliberations and reasoning are therefore confined to the proposed independent dwellinghouse.
3. It is claimed that the appeal site has been in use as a 7-bedroom HMO and a separate self-contained dwelling for around 15 years. However, there is little evidence before me to support that claim, and the appellant acknowledges that they have insufficient evidence to make a robust submission for a Lawful Development Certificate. It is beyond the scope of this appeal to consider that matter further. I have therefore considered the appeal on the basis of what is proposed and its consequent effects.

Main Issue

4. The main issue is whether the development would provide satisfactory living conditions for future occupants of the dwelling, with regard to the provision of internal space.

Reasons

5. The appeal relates to 24 Tankerville Terrace, a two storey, 8-bedroom house in multiple occupation (HMO). The proposal seeks to divide the property into a seven bedroomed HMO and a separate dwelling with one bedroom. The dwelling would be located within the adjoining single storey former garage extension which includes living accommodation in the roof space.

6. The Government's nationally described space standard¹ (NDSS) provides minimum internal space requirements for dwellings, with 58 square metres set as the minimum gross internal floor area for a two-storey, one bedroom dwelling. The NDSS also requires that any area with a head room of less than 1.5 metres is not counted within the gross internal area, unless used solely for storage. In order to provide a reasonable level of internal provision for all new homes, the requirements of the NDSS are applied locally through Policy DM7 of the Newcastle upon Tyne Development Management and Allocations Plan 2015-2030 (the DAP).
7. The LPA consider that the internal floorspace would fall significantly short of the required standard. The appellant does not dispute this and has provided no internal floor space measurements or calculations that would demonstrate that the proposed dwelling would meet the NDSS requirements. Furthermore, the sloping ceilings in the bedroom significantly curtail the area of usable floorspace, with much of this space likely to have a headroom of less than 1.5 metres and therefore discounted from the gross internal area. This is compounded by the area taken up by the staircase, which further reduces the floorspace within the bedroom.
8. Given that the NDSS figures are minimum standards which are intended to act as a benchmark for high design quality, the failure to demonstrate compliance with the floorspace standard is unacceptable, resulting in a small unit of accommodation with cramped living conditions. I acknowledge the appellant's comments that the current and previous occupants have been happy with the internal standards of accommodation. However, the current accommodation is part of a larger unit with shared communal areas that the occupant has access to, regardless of whether they choose to do so, and therefore this does not provide a justification for the unsatisfactory living conditions that would arise for future occupants due to an under-provision of floorspace as an independent dwelling.
9. Consequently, I conclude that the proposed development would not provide satisfactory living conditions for future occupants of the dwelling, with regard to the provision of internal space. Therefore, the proposal would conflict with Policy CS14 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (the CSUCP) and Policies DM7 and DM23 of the DAP which together seek to promote wellbeing and health, and a high quality environment with good standards of residential amenity for future occupants of land and dwellings.

Other Matters

10. I note that the appeal site is located within the Brandling Village Conservation Area, which is characterised by substantial Victorian and Edwardian residential properties and terraced streets. The proposal involves no external alterations and the property's residential character would persist. Accordingly, there would be no discernible effect on the conservation area and so its character and appearance would be preserved.
11. The appellant has suggested that the proposed development would add to the diversity of the area's housing supply, there would be no adverse effects on the

¹ Technical housing standards – nationally described space standard, March 2015, Department for Communities and Local Government

living conditions of neighbouring residents, and that it would represent sustainable development, making an efficient use of land and promoting higher densities. I also acknowledge that it would comply with some policies of the development plan and elements of the National Planning Policy Framework. However, these factors combined would not outweigh the proposal's harm to the living conditions of future occupants.

Conclusion

12. I have found the proposal to be contrary to the policies of the development plan and no considerations of sufficient weight have been put forward to outweigh this conflict.

13. Therefore, for the reasons given, the appeal is dismissed.

J M Tweddle

INSPECTOR