
Appeal Decision

Site visit made on 4 July 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/W4705/W/22/3294941
40 Laisteridge Lane, Bradford BD7 1QT

- 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 AG Capital Ventures Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/05393/FUL, dated 20 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is application to change the use of the property from an HMO into four apartments.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal in the banner heading above has been amended to omit wording that is not a description of development. It was apparent at the time of my site visit that the property was being utilised as four apartments. For the avoidance of doubt, my decision has been made on the basis of the submitted plans, which broadly accord with the arrangement that was before me at the property.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers at the property. This is with particular regard to the living conditions of the occupiers of the basement flat with regard to natural light and outlook from the main rooms of the basement flat, the effect of the proposal on the living conditions of occupiers of the second floor flat with regard to floorspace and the effect of the proposal on the living conditions of occupiers with regards to fire escape from the building.

Reasons

4. The evidence is unclear with regards to the occupancy levels of the flats. However, the plans indicate that the second floor flat would provide two bedrooms and at the time of my visit two of the rooms were fitted with double beds.

5. The space standard¹ advises on floor space requirements. The minimum number of bed spaces for a 2 bedroom property is 3 bed spaces (persons). If provided on a one storey basis, as is the case within this proposal, then the minimum internal floor area requirement is 61m² (3 persons) or 70m² (4 persons). These are minimum figures, which developers are encouraged to exceed.
6. The evidence indicates that the flat would fail to meet the minimum floor space requirement by some distance even on the basis of 3 person occupancy. The proposal therefore provides cramped accommodation which would not be the high quality housing that is required. Consequently, the second floor flat fails to provide suitable living conditions for occupiers in terms of its floorspace.
7. The basement flat is shown to provide one bedroom and a lounge, however at the time of my visit, there were beds within both the main front and rear room.
8. Despite being at basement level, the main front room within this flat provides an acceptable level of natural light and outlook towards the sky across the low front wall and the wide expanse of Laisteridge Lane and its footways which pass to the front of the property.
9. However, the same would not always likely be the case to the rear main room within the basement flat. As opposed to the natural light and outlook that would be available to any occupier from the front room, that available to any occupier from the rear room would be unlikely to be as consistent.
10. This is because in a property with four flats it is likely that at some points the off-street parking space that is available immediately in front of the window would be in use. The parking of a vehicle would be likely to substantially reduce both natural light and outlook that would be available to any occupier.
11. Consequently, the basement flat fails to provide suitable living conditions for occupiers in terms of the levels of natural light and outlook available to any occupier of the main rear room which are likely to be inconsistent.
12. The issue of fire safety for such a proposal, including the building design and other technical matters is generally a building control issue addressed under other regulatory requirements.
13. In light of the above matters, the proposal fails to provide adequate living conditions for occupiers. The proposal is therefore contrary to policies DS5 and HO9 of the Bradford Core Strategy (2017).
14. Amongst other things these policies require proposals of high-quality design that do not harm the amenity of existing or prospective residents and new housing which provides suitable space standards with rooms that provide adequate levels of daylight.

Other Matters

15. I accept that the proposal would result in the provision of housing within a location that is close to central Bradford with good access to services and facilities. Such benefit, however, does not outweigh the harm identified.

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

16. There is no convincing justification within the evidence that the proposal would result in a significant deintensification of the property from the suggested former use.

Planning Balance and Conclusion

17. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR