



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: 25th July 2022

Appeal Ref: APP/W4705/W/22/3295937
528 Thornton Road, Bradford BD8 9NB

- 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 Faisal Aslam against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/05837/FUL, dated 17 November 2021, was refused by notice dated 12 January 2022.
 - The development proposed is the conversion of an existing basement into a single flat with external changes to allow for two light wells to the main bedroom/lounge and the formation of a window within an existing opening with an additional light well.
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Decision

1. The appeal is allowed. Planning permission is granted for the conversion of an existing basement into a single flat with external changes to allow for two light wells to the main bedroom/lounge and the formation of a window within an existing opening with an additional light well at 528 Thornton Road, Bradford BD8 9NB in accordance with the terms of the application Ref 21/05837/FUL dated 17 November 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 101B & 201B.
 - 3) The dwelling hereby permitted shall not be occupied until the proposed windows, lightwells and associated steel fencing on and adjacent to the north and east facing elevations have been installed and constructed in accordance with the details on the approved plans. These features shall thereafter be retained for the lifetime of the development.

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.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of future occupiers with particular regard to outlook, natural light and ventilation.

Reasons

4. The proposal would see a studio flat provided within an existing basement. The proposal includes the provision of a large light well to the northern elevation and the reinstatement of a former lightwell on the eastern elevation.
5. It is likely that a reasonable degree of light would be provided to the bedroom/lounge area as a result of the well sized window which would look out onto a newly created light well by reason of its depth and width which would also be likely to allow the future occupier/s some outlook towards the sky from the window.
6. The light from the larger window would be augmented by that which would be available through a second smaller window that would be provided within a lightwell that would be re-instated on the eastern elevation of the building.
7. Therefore, the not unreasonably shaped bedroom / lounge area would be likely to provide sufficient outlook and light to future occupiers.
8. I accept that the kitchen would be provided with no natural lighting. However, given the rather utilitarian design of that space and its limited size, it is the bedroom / lounge area where future occupiers would be likely to spend most of their time. The lack of natural lighting to that area is therefore acceptable within the particular context of the scheme before me.
9. The two windows within the bedroom / lounge area would allow for the possibility of some through-flow of air while mechanical ventilation would also be provided to the rooms within the dwelling including the kitchen.
10. There would therefore be no unacceptable impact on the living conditions of future occupiers with regard to outlook, natural light and ventilation.
11. The proposal would subsequently accord with policies DS5 and HO9 of the Bradford Core Strategy (2017) (CS). Amongst other things these policies require proposals of high-quality design that do not harm the amenity of prospective residents and new housing with rooms that provide adequate levels of daylight.
12. I have identified no conflict with policies DS1 and DS3 of the CS, which respectively relate to achieving good design and urban character.

Conditions

13. No conditions have been suggested. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. A condition is necessary to ensure that the windows, lightwells and associated steel fencing are all provided and thereafter retained at the site.

Planning Balance

14. The evidence indicates that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances footnote 8

of the Framework¹ establishes that the policies which are most important for determining the application are out-of-date.

15. In such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. Given my findings on the scheme, there would be no conflict with Framework policies. Nor have I identified any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
17. The proposal therefore benefits from the presumption in favour of sustainable development which forms a material consideration within the planning balance in support of the proposal.

Conclusion

18. Whilst acknowledging the presumption in favour of sustainable development, I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham
INSPECTOR

¹ National Planning Policy Framework 2021.