
Appeal Decision

Site visit made on 30 August 2022

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2022

Appeal Ref: APP/X2410/W/22/3297844
49 Arthur Street, Loughborough LE11 3AY

- 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 J Donnelly against the decision of Charnwood Borough Council.
 - The application Ref P/21/1109/2, dated 14 May 2021, was refused by notice dated 31 January 2022.
 - The development proposed is conversion and extension of garage to form one dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the future occupiers of the new dwelling with particular regard to light, outlook, privacy, standard of accommodation and private outdoor amenity space.

Reasons

3. The appeal site consists of a detached garage building located at the rear of 49 Arthur Street (No. 49) a traditional end-terrace property located in a mature well-established residential area. It is accessed via a pedestrian entrance and a set of garage doors fronting directly onto William Street running along the north-west boundary of the site.
4. The proposed development would involve the conversion of the garage into a dwelling with a kitchen/dining/living area, bedroom and a shower room and the construction of a small gabled roofed side extension. A small outdoor amenity space would be provided to the side of the building enclosed by an existing 2m high boundary wall and a new 1.8m high boundary fence. It would be accessed via a new pedestrian entrance provided directly onto William Street.
5. Whilst I accept that there would be some impact on the future occupiers of the proposed dwelling, given the overall modest scale, design and layout of the proposed dwelling together with the boundary treatment and the surrounding uses, I do not consider the development would cause significant harm to the privacy, nor result in significant overlooking of the future occupiers in the rooms and private outdoor amenity space at the side of the proposed dwelling. However, this is not determinative factor on its own.

6. The Council's report sets out that the internal floorspace of the proposed dwelling would be below the minimum gross internal floor area (GIA) of 37 sqm recommended for a one bed single storey dwelling for one person set out in the Government's National Technical Housing Standards (NTHS)¹. The Council, however, confirm that these standards are not yet adopted in any relevant Development Plan Policies and as such are regarded as guidance at present. They are, nevertheless, a material consideration to which I can attach some weight in making my final decision.
7. I have considered the appellant's arguments that the new dwelling would provide an acceptable standard of accommodation for a single person and its future use could be restricted through the use of appropriate planning conditions. However, based on the evidence provided and my observations during my site visit, the internal size and layout of the proposed dwelling would not achieve the minimum GIA standards in the NTHS and would have limited areas of floorspace for movement and circulation. The kitchen/dining/living area would be particularly small and cramped and would have limited space for circulation and storage and for the future occupiers to cook, eat and relax during social activities.
8. In addition, the kitchen/dining/living area would be served by a high level glazed window on the front elevation only and an entrance door. Whilst such design features would protect the privacy of the future occupiers and allow some light penetration into the proposed dwelling, I consider these features would severely restrict the outlook and to a more limited extent, the light available for the future occupants in the kitchen/dining/living area. I therefore consider that the proposal would result in a poor quality living environment and unacceptable living conditions for the future occupiers of the new dwelling.
9. Whilst I note the Council's arguments regarding the inadequate private amenity space for the proposed dwelling, the Council has not referred me to any specific requirements or standards for the amount of private amenity space required with this type of development. However, there would still be a need for the private outdoor amenity space to be useable and provide adequate space for the occupiers to carry out leisure and household activities such as hanging out their washing if they wish, particularly during the summer months.
10. In this context, I consider that the private outdoor amenity space for the proposed dwelling would be contextually very small and hemmed in by the surrounding buildings and the high boundary wall/fence. Notwithstanding the reduced expectation for private outdoor amenity space when it comes to one bedroom properties more generally, I consider that the users of the private outdoor amenity space would experience an enclosed environment, lacking in quality as usable, private outdoor amenity space.
11. I have considered the appellant's arguments that the design and layout of the proposed development has been carefully considered in order to minimise any impacts on future occupiers of the proposed dwelling and the existing occupiers of the adjacent properties. Whilst such design and layout features within the proposed dwelling would reduce the impact of the proposal to some degree, these aspects do not overcome the adverse effects outlined above.

¹ Department of Communities and Local Government (DCLG) Technical Housing Standards – Nationally described space standards (March 2015)

12. Consequently, I conclude that the proposed development would result in an unacceptable impact on the living conditions of the future occupiers of the proposed dwelling with particular regard to light, outlook, standard of accommodation and private outdoor amenity space. It would be contrary to the overall aims of Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy 2015 and the Council's Design Supplementary Planning Document 2020. This policy and guidance, amongst other things, seek to ensure that development proposals provide a high quality design, create a satisfactory living environment and protect the amenity of people who live nearby and the proposed occupiers in new development.
13. In addition, it would not accord with the National Planning Policy Framework (the Framework) that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).

Other Matters

14. Given the location of the appeal site within the Queens Park Conservation Area (CA), special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. I consider that the appeal scheme, by virtue of its modest scale, siting and design, would have a neutral material impact and would preserve the character and appearance of the CA.
15. I have considered the appellant's comments regarding the use and condition of the building, lack of viable alternative uses and the lack of formal objections from the neighbouring properties to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the living conditions of the future occupiers and is not a determinative factor on its own.

Overall Planning Balance and Conclusion

16. The Council accepts that, as its Core Strategy is over five years old, that the relevant policies for the supply of housing are out of date and it cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, Paragraph 11(d) of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
17. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design in the CA, the effective and efficient re-use of the building in an accessible location and through contributing to the local housing supply in the area.
18. However, I have found above that taken overall the proposed development would harm the living conditions of the future occupiers of the proposed dwelling and would be contrary to the overall amenity aims of the relevant development plan policy set out above. This harm would conflict with the environmental objective of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework taken as a whole.

19. The proposal would not therefore amount to sustainable development in the terms of the Framework. The Framework is a material consideration. However, in the circumstances of this appeal, the other material considerations do not justify making a decision other than in accordance with the development plan.

Overall Conclusion

20. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR