



Appeal Decision

Site visit made on 7 September 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Appeal Ref: APP/Z4718/W/22/3292026

198 Manchester Road, Huddersfield, HD1 3JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mrs Ria Singh against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/CL/94243/W, dated 3 November 2021, was refused by notice dated 23 December 2021.
 - The development proposed is described as: 'convert empty disused shop into apartment. Ground floor convert to lounge / kitchen with basement into bedroom with on-suite shower room. Open up basement window to glass door for escape & light'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(9A) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) states that Schedule 2 does not permit any new dwellinghouse where the gross internal floorspace is less than 37 square metres or the dwellinghouse does not comply with the nationally described space standard¹. It is necessary to be satisfied that the proposal is permitted development before considering the prior approval matters set out in paragraphs MA.2(2)². I shall therefore determine this preliminary issue first.

Main Issue

3. The main issue is whether the development would be permitted development in accordance with Article 3(9A) of Schedule 2 of the GPDO in terms of meeting the nationally described space standard.

Reasons

4. The appeal relates to a single storey building at street level with a basement below. It is proposed to convert the building to a one bedroom dwelling which would extend to two storeys with a bedroom provided in the basement and living accommodation at ground floor level. The nationally described space standard sets out that a two storey dwelling with one bedroom should provide

¹ Issued by Department for Communities and Local Government (27 March 2015).

² Including the issue of whether the proposal would provide adequate natural light as set out in the Council's second reason for refusal.

a gross internal floor area and built-in storage area of at least 58 square metres.

5. Based on the submitted plans and the calculations provided by the Council, the gross internal floor area would amount to 50.8 square metres. This has not been disputed by the appellant. The proposed dwelling would therefore not comply with the nationally described space standard and therefore is not permitted development.
6. As the proposed development falls outside the development permitted by the GPDO, it would be unnecessary and inappropriate to proceed to consider the prior approval matters.

Other Matters

7. The appellant has referred to other approvals nearby however I have not been provided with details of these nor is it clear whether these were also submitted as applications for prior approval. It is therefore not clear whether these cases would represent a parallel with the appeal scheme before me which nevertheless does not meet the requirements of the GPDO.

Conclusion

8. The proposal fails to satisfy the requirements of Article 3(9A) of Schedule 2 of the GPDO and for this reason the appeal is dismissed.

Paul Martinson

INSPECTOR