



Appeal Decision

Site visit made on 22 September 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/X4725/W/22/3299975

442 Leeds Road, Wakefield WF1 2JB

- 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 T Ball against the decision of Wakefield Metropolitan District Council.
 - The application Ref 22/00363/FUL, dated 17 February 2022, was refused by notice dated 13 April 2022.
 - The development proposed is described as 'Change of use to first floor to C3 use, ground floor to remain unchanged as Class E (office) use. New entrance door to front elevation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is some uncertainty as to the existing lawful use of the first floor of the building but, as the appealed application is not for a Lawful Development Certificate, I do not need to reach a conclusion on this matter. In accordance with the details in the application form, I have considered the proposal as being for a change of use of the first floor for residential use which is independent from the use of the ground floor and has separate access from the street.
3. An amended plan was provided to the Council during the course of the application illustrating a single bed rather than a double bed. As the Council has had the opportunity to consider this plan, then my consideration of it as part of the appeal would not prejudice any parties. In any event, the size of furniture would be indicative only.

Main Issue

4. The main issue is whether the proposed development would provide satisfactory living conditions for the future occupiers, with particular regard to internal space standards.

Reasons

5. The proposed development relates to the first-floor accommodation within a mid-terraced property. The ground floor has been used for offices, albeit it is vacant at present. The appellant states that the first floor was used by the previous owner of the building as their flat, but I have no information to suggest that it is currently occupied for this purpose. To the rear of the terrace is an open area used for parking and bin storage. The property lies on a main road with public transport links into the city centre. Whilst predominantly

residential, the area includes a mix of uses, including a number of public services and amenities. A landscaped area lies opposite the site with some public seating associated with the memorial hall and Outwood Park is a short distance away on foot.

6. The plans provided show a one-bedroomed flat, with a floor area of 31 m². The proposal falls short of the Technical Housing Standards – Nationally Described Space Standard (NDSS), which states that a one-person occupancy flat must have a minimum area of 37 m². It also falls short in terms of the bedroom size and width. However, these are nationally described standards and are not prescriptive. Footnote 49 of the National Planning Policy Framework (NPPF) advises that policies may make use of these standards where the need can be justified. Each local authority must therefore approach these standards through their local plan. The Council's reason for refusal references a policy that does not state a minimum space standard requirement. Further, whilst Section 2.23.05 of the Wakefield District Residential Design Guide Part 1: Guidance for Housebuilders, Supplementary Planning Document Adopted 31 January 2018, (RDG) references a minimum of 49 m² for a single person home, this is expressed as a recommendation. Page IX of the RDG makes clear that Section's 2 and 3 provide guidance that is not additional to Local Plan policies but is considered best practice. As such, there is no information to justify requiring a minimum quantity of floorspace in this case.
7. Nevertheless, both the NDSS and the RDG are material considerations. Their underlying intention to achieve high quality residential development for future occupiers is consistent with Policy D9 of the document 'A New Vision for Developing Wakefield District, Local Development Framework, Development Policies Document Adopted April 2009' (DPD), and paragraph's 126 and 130 of the NPPF. Therefore, I have assessed the proposal in terms of its overall quality and functionality, having due regard to these documents as material considerations.
8. The proposed flat would provide one bedroom, a combined living area and kitchen/ diner, and shower room. It would be dual aspect and no concerns are raised in relation to ceiling heights. The indicative furniture arrangement includes casual seating, a small table/desk and wardrobe space. All habitable rooms would be served by reasonably sized windows and noting the building orientation, separation distances and the open aspect to the front, I have no reason to believe that these habitable rooms would not be provided with an adequate amount of daylight and sunlight, and an adequate outlook. Nor would these windows be overlooked, providing adequate levels of privacy for future occupiers. Further, the proposed development lies in an accessible location, with easy access to local services and amenities, including public transport.
9. However, the overall level of internal space would be confined when compared to the NDSS. At 31 m² the proposal would be approx. 16% below the national standards. Further, this Gross Internal Area (GIA) would include the lobby and stairs, and so the actual living space would be less than this. Whilst areas of public open space are reachable on foot, a lack of any private outdoor space further reduces the overall quality of the accommodation on offer. I appreciate that the size of the proposed flat and the availability of external space is dictated by the nature of the scheme as a conversion. However, the overall level of internal space provided is constrained and is significantly below national standards. It would not be consistent with the direction of travel of the

NPPF in terms of achieving high quality residential development, in order to create better places to live.

10. To conclude on this main issue, the proposed development would not provide satisfactory living conditions for the future occupiers. The proposal would not therefore comply with DPD Policy D9, which amongst other matters, seeks to ensure that proposals have no detrimental impact on future occupiers. Nor would it comply with Paragraph 130 of the NPPF which requires the creation of places that provide a high standard of amenity for future occupiers.

Conclusion

11. For the reasons outlined above, having had regard to the development plan as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

S Brook

INSPECTOR