



Appeal Decision

Site visit made on 15 December 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/N4720/W/22/3309209

179 Cardigan Road, Headingley, Leeds LS6 1QL

- 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 Ikram and Jehangir Hamid against the decision of Leeds City Council.
 - The application Ref 22/03477/FU, dated 16 May 2022, was refused by notice dated 18 July 2022.
 - The development proposed is conversion of residential property into three self contained flats (1 bedroom).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i) The living conditions of future occupiers of the flat occupying the first and second floors, specifically in respect of the layout and provision of adequate space; and
 - ii) The living conditions of neighbouring occupiers by way of noise, disturbance and anti-social behaviour.

Reasons

Living conditions of future occupiers

3. The appeal site is a 2-storey mid-terrace house with accommodation in the roofspace in a predominantly residential area of Leeds. The property has a small front garden which faces on to Cardigan Road and a rear yard that is accessed from a service lane. It features extensions to the rear and into the roofspace. It is presently occupied as a large 4-bedroom family house.
4. The proposed development would subdivide the property into 3 self-contained 1-bedroom flats. All units would be accessed from the existing front door. The ground and first floors would contain one flat each. The uppermost flat would be spread over the first and second floors, with only a kitchen and store cupboard on the first floor and the remainder of the accommodation on the second floor.
5. Policy H9 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019) (the 'CS') sets out space standards that all new dwellings must comply with. The parties do not dispute that the

uppermost flat falls short of the internal space requirement for a 1-bedroom 2-person 2-storey dwelling. However, the parties do dispute the criteria against which the uppermost flat should be assessed.

6. Policy H9 does not cite a space requirement for a 1-bedroom 1-person 2-storey dwelling. On this basis, the appellant argues that the space requirement for a 1-bedroom 1-person 1-storey dwelling should be applied. The submitted plans demonstrate clearly that the uppermost flat would be spread across 2 storeys. Furthermore, the plans clearly show and annotate a double bed in the bedroom, thereby indicating the potential for double occupancy. Accordingly, I find the proposed development should be assessed as a 1-bedroom 2-person 2-storey dwelling in terms of CS Policy H9, against which there would be a significant shortfall.
7. In terms of the layout, all accommodation other than the kitchen would be on the second floor. The kitchen would be a narrow galley-style room, with units concentrated along one wall. This would leave little room for sitting and lead to the likely scenario that occupants would need to carry their meals up the winding staircase, which incorporates 2 ninety-degree turns, to eat in the living areas on the second floor. This would be an impractical arrangement and would lead to a poor standard of accommodation for occupiers.
8. Whilst I acknowledge that similar conversions may have taken place in the area, I have been provided with no specific examples that would lead me to take a different view on the above matters.
9. For the above reasons, I conclude that the proposals would result in harm to the living conditions of future occupiers of the flat occupying the first and second floors, which would conflict with the aims of Policies H9 and P10 of the CS, and Saved Policies BD5 and GP5 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (the 'UDP'). Together, these policies set minimum space standards for new dwellings, require developments to deliver high quality inclusive design that is accessible to all users, and ensure developments are designed with consideration to both their own amenity and that of their surroundings and include usable space.

Living conditions of neighbouring occupiers

10. The proposed 3 flats would have one bedroom each, which would result in a net reduction in the number of bedrooms when compared to the present situation. It is therefore not likely that the proposed development would result in a significant increase in the number of occupiers.
11. The proposed flats could potentially be occupied by more than one person each. However, on the basis that each unit has only one bedroom, occupation by more than one person would most likely be as couples living together as a single household. The Council's evidence refers to the concentration of houses in multiple occupation (HMOs) and flat/bedsit conversions in the nearby area, and the correlation between these uses and cases of anti-social behaviour and noise nuisance. However, the Council refer to the collective effects of HMOs, flats and bedsit conversions, rather than the individual effects of each dwelling type. In this respect, I find the nature of the proposed development would be very different to that of an HMO, where multiple unrelated individuals would live together as a single household. Accordingly, the resulting effects on living conditions would be different.

12. Whilst the size of the units would be attractive to the lower end of the market and potentially appeal to a transient population, such as students or lower income workers, the nature of occupancy would most likely be as individuals or couples seeking their own fully self-contained home. Other than the requirement for additional servicing such as refuse storage, which could be accommodated to the rear, I find no specific evidence that the proposed development would lead to a noticeable intensification over the property's current use as a large family home. Consequently, I find no evidence that the proposed development would have an adverse effect on the living conditions of neighbouring occupiers.
13. For the above reasons, I find the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers and would not lead to harmful effects in terms of noise, disturbance or anti-social behaviour, and would accord with the relevant parts of Policies P10 and H6 of the CS, and Saved Policy GP5 of the UDP, which together seek to ensure conversion developments protect the visual, residential and general amenity of the area, either by virtue of the conversion alone or cumulatively with a concentration of converted dwellings. It would also accord with the guidance in 'Supplementary Guidance No.6 – Development of Self Contained Flats' (4th May 1999) and 'Neighbourhoods for Living – A Guide for Residential Design in Leeds' (December 2003, updated 2015), which has similar aims. The proposed development also accords with the provisions of the Framework in this regard.

Conclusion

14. Whilst I have found that the proposed development would not adversely affect the living conditions of neighbouring occupiers, the adverse effect on the living conditions of future occupiers is decisive. The proposed development would therefore fail to accord with the policies of the Development Plan as a whole and there are no other considerations that outweigh this conflict. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR