



Appeal Decision

Site visit made on 17 January 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2023

Appeal Ref: APP/N1025/W/22/3298496

2 Springfield Gardens, Ilkeston DE7 8HY

- 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 Alan Colley against the decision of Erewash Borough Council.
 - The application Ref ERE/0721/0067, dated 26 July 2021, was refused by notice dated 11 November 2021.
 - The development proposed is the change of use from C3(a) to "sui generis" HMO, with single-storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for the future occupants of the property, with regard to internal space.

Reasons

3. In assessing the suitability of the internal accommodation, the main parties have referred to the Technical Housing Standards – Nationally Described Space Standard 2015 (NDSS) and to the DASH Services Landlord Guide on Amenities & Space in HMOs 2014 (DASH Guide). This latter document is local guidance which has been adopted by several local authorities in the East Midlands.
4. However, neither the NDSS nor the DASH Guide are adopted by Erewash Borough Council. None of the policies in the development plan make any reference to either document. As such I am only able to give these two documents limited weight in my decision. Nevertheless, they are both useful for guidance in the consideration of whether the development provides appropriate space and living conditions, in accordance with the requirements of the adopted development plan.
5. Overall, the gross internal area would not meet the minimum floor areas set out in the NDSS, when considered as two separate units, one 5-bed and one 6-bed. The bedroom sizes all comply with the minimums in both the NDSS and the DASH Guide. However, the total gross internal area is below that set in the NDSS and therefore the resultant dwelling does not allow for the varying amounts of additional living, dining, kitchen, and storage space which the NDSS relate to potential occupancy. The NDSS is also clear that the minimum standards are all integral and cannot be used in isolation from other parts. Whilst the proposal relates to conversion of an existing buildings the scheme

should still seek to provide appropriate living conditions. In this case the shortfall between what is proposed and the NDSS is such that it would result in poor living conditions for the future occupiers of the property.

6. Furthermore, the internal layout proposed results in four of the bedrooms with restricted usable floorspace. These four bedrooms, although technically complying with the minimum bedroom sizes in both documents, are constrained by their long corridors creating an awkward shape. This limits the functional space within the room and would therefore not provide satisfactory living accommodation for the future occupiers.
7. Dining room 1 is the minimum size required for four people as set out in the DASH Guide. Three of the bedrooms in this part of the building are large enough to include living/ dining space within the bedroom. However, the 6-bed part of the proposal is provided with a communal dining room. The bedrooms do have dining space elsewhere, it is not a situation where the bedrooms have no dining space.
8. There is nothing specifically indicating that the DASH Guide should be read as the appellant suggests, in terms of the size of the dining room where larger bedrooms are provided. Therefore, the dining room should make sufficient provision for 6 people. Dining room 1 falls short of that requirement and would, therefore, result in inappropriate living conditions for the future occupiers.
9. The development would not provide appropriate living conditions for the future occupants, with regard to internal space, contrary to the requirements of Policy 10 of the CS and Policies H10 and H12 of the LP which all require, amongst other matters, the provision of appropriate space and the consideration of the impact of the amenity of occupiers.

Other Matters

10. The benefit of providing additional housing for different groups within the community and sub-division of large dwellings are noted, however given the small scale of the proposal the benefit is limited. Furthermore, even if I were to agree that there is no harm to the living conditions of the neighbouring residents, the character and appearance of the area, and highway impacts these matters would only be neutral and do not weigh in favour of the proposal.

Conclusion

11. For the reasons given above the occupants of the proposed HMO would not have satisfactory living conditions. This harm is in conflict with the development plan and the Framework as a whole. Moreover, there are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR