



Appeal Decision

Site visit made on 9 March 2023

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/P4415/W/22/3305456

41 Winterwell Road, West Melton, Rotherham S63 6DP

- 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 YH 2020 Investments Ltd against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2022/0576, dated 4 April 2022, was refused by notice dated 27 May 2022.
 - The development proposed is described as 'retrospective application for change of use of first floor from former pub landlords accommodation to 3nr flats.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The evidence suggests that the development has been carried out and retrospective planning permission for the change of use is required. I observed this to be the case as part of my site visit. I have considered the appeal accordingly.

Main Issue

3. The main issue is whether the development provides acceptable living conditions for the occupiers of flats 1 and 2 with specific regard to the amount of floorspace.

Reasons

4. Policy SP55 of the Rotherham Local Plan: Sites and Policies (2018) (Local Plan) sets out, amongst other things, that all development proposals must have regard to the presence of sensitive land uses and be designed in such a way that the amenity of any land use and the specific characteristics of the sensitive area are not adversely affected.
5. In this case, and in the context of the main issue, the land use concerns three residential units that have been created out of a three bedroom flat above a former public house. The South Yorkshire Residential Design Guide (2011) (SYRDG) sets out a minimum expectation on internal floor space. The document is a guide, and the figures are not adopted as part of the development plan. Indeed, the Council's evidence refers to them as a recommendation. However, they are nevertheless an expected minimum and flats 1 and 2 are below that minimum by more than a marginal degree.

6. The appellant has referred me to the Technical Housing Standards: Nationally Described Space Standard (NDSS). Whilst I see that, applying these standards, flat 1 would be acceptable, the NDSS are not adopted by the development plan. The Council refer to the recommendations of the SYRDG. Even if I were to determine this appeal in accordance with them, flat 2 would still be found wanting. There is a suggestion that the additional 2sqm flat 2 would require to meet the NDSS could be achieved through truncating the size of the hallway. I am unsure however if this could be achieved, taking account of other practicalities such as adequate communal space for access and egress purposes or means of escape in an emergency.
7. Technical and quantitative matters aside, and at my site visit, flats 1 and 2 felt narrow and tight, despite their relative closeness to the expected minimum standards set out. Even as a single occupancy unit, the living/kitchen space of flat 2 specifically is narrow and enclosing, particularly since it also acts as a corridor to the bedroom and bathroom.
8. Taking all of the above into account, the floorspace of flats 1 and 2 is insufficient, leading to the unacceptably poor living experience for occupiers being enclosing and subsequently oppressive. They accordingly fall short of the expectations of the SYRDG and conflict with the aims of Local Plan Policy SP55 as I have set them out above.

Other Matter

9. The evidence suggests that the appeal building's upper floor was used as a three bedroom flat and that, theoretically, has not changed. This differed from the current situation however in that it now has three independently occupied and self contained residential units. This brings with it a different expectation for living conditions than one larger unit occupied by persons more likely related or at least living as the same household.

Conclusion

10. The appeal scheme conflicts with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

John Morrison

INSPECTOR