



Appeal Decision

Site visit made on 18 April 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2023

Appeal Ref: APP/N4720/W/22/3311777

Flat At 99 Roundhay Road, Leeds LS8 5AJ

- 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 Mahboob Alam against the decision of Leeds City Council.
 - The application Ref 22/02817/FU, dated 15 April 2022, was refused by notice dated 26 October 2022.
 - The development is the conversion of first and second floors to accommodate 3 self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form refers to converting the first floor of the appeal property into two flats, however the plans show three self-contained flats over the first and second floors. As such, I have used the Council's description of development in the banner heading above as this more accurately describes the appeal scheme. Development has already taken place therefore I am considering this appeal retrospectively.
3. The Council have confirmed there is an error in the reason for refusal on the decision notice. Reference should have been made to Flat 1 and 3 with regard to bedroom dimensions. I have assessed the appeal scheme on this basis.

Main Issue

4. The main issue is whether the living conditions of the occupiers of the development are acceptable, with regard to internal space, outlook and ventilation.

Reasons

5. The development has a convenient access and there is access to bin and cycle storage. However, the Council have concerns regarding the available internal space of the flats. Policy H9 of the Core Strategy (Review 2019) (CS) requires dwellings to comply with the space standards set out within the policy. These standards reflect those of the advisory Nationally Described Space Standards and form part of the development plan.
6. It is not disputed that overall, Flat 1 is below the required space standards set out in Policy H9. The bedroom also falls short of the relevant standard, and while I observed that it is large enough to accommodate the necessary furniture, owing to its narrow width there is limited room for circulation which

makes it awkward to navigate the space. The bedroom in Flat 3 also falls short of the required standard and is similarly narrow. Even if the flats are occupied by a single or pair of occupants, I find the internal space to be confined resulting in a poor quality of accommodation which does not ensure satisfactory living conditions for the occupiers.

7. The Council also have concerns regarding outlook in Flat 1 and 2. The kitchen/living area in Flat 1 is a long linear room, served by a window at one end. I observed the living room area to be a dark, uninviting space with poor outlook given the distance to the window which is at the other end of the room. While the sitting room in Flat 2 is served by a small rooflight there is no window, and as such the room has a poor outlook.
8. There is no substantive evidence before me in relation to ventilation, and I note that were the appeal to be allowed, a condition could be imposed to ensure that all bathrooms are fitted with a mechanical extractor fan in the interest of protecting the living conditions of the occupiers with regard to ventilation. Consequently, based on the evidence before me I am satisfied that appropriate ventilation could be achieved.
9. Even if the flats are similar in size and layout to others in the immediate vicinity, and irrespective of the precise amount of floor space, the appeal scheme does not represent an efficient use of space, and overall, I find the accommodation to be generally limited in size leading to a cramped and claustrophobic environment in all three flats. I note that generally the rooms have either a window or rooflight to provide daylight/sunlight. Nevertheless, the flats do not have comfortable or functional layouts to ensure satisfactory living conditions for the occupiers on a day to day basis. This is indicative of the confined nature of the accommodation, which results in inadequate living conditions for the occupants.
10. As such, the living conditions of the occupiers of the development are unacceptable, with regard to internal space and outlook, in conflict with policies H9 and P10 of the CS and Policy GP5 of the Leeds Unitary Development Plan (Review 2006). These policies, amongst other things, require dwellings to meet the space standards set out, development to deliver high quality design that is based on a thorough contextual analysis that is appropriate to its scale and function, and avoid the loss of amenity.
11. The development is also contrary to the provisions of the National Planning Policy Framework (2021) in relation to design, including Paragraph 130 which seeks development that functions well and creates a high standard of amenity for existing and future users.

Other Matters

12. The site is accessible by a range of transport modes, there are facilities and services close by and the scheme would provide for a small increase in supply in housing. While these are clear benefits of the scheme, they do not outweigh the adverse impacts associated with the substandard living conditions that I have identified nor the conflict with the development plan.

Conclusion

13. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR