



Appeal Decision

Site visit made on 5 May 2023

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/W4705/W/23/3317513

Eastbrook Hall, M and N Builders Properties 3 Limited, Leeds Road, Bradford, BD1 5AE

- 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 Mansukh Gorasia against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/03679/FUL, dated 18 August 2022, was refused by notice dated 8 November 2022.
 - The development proposed is the conversion of an existing unused basement room into four studio apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Eastbrook Hall is listed at Grade 2. I am aware that Listed Building Consent has been granted by the Council for the proposed works to the building necessary for the proposed conversion.

Main Issue

3. The main issue is whether the living conditions for future occupiers of the proposed apartments would be acceptable, with particular regard to outlook and natural light.

Reasons

4. Eastbrook Hall is in mixed use, including commercial and residential. The basement room is currently unused and is proposed to be converted to provide four separate studio flats. Each flat would consist of an open plan area containing a sleeping area, a kitchen/dining area and a lounge area as well as a private shower room.
5. The flats would utilise existing windows facing onto Chapel Street. Only the lower portion of the tall windows would be available to the flats as a mezzanine floor dissects the windows in two. The upper part of the window provides light to an existing car parking area above the proposed flats. Whilst the submitted plans show flats 1 and 2 would have a single narrow window each would only realistically provide natural light to the bedroom area, with the remainder of the living space reliant on artificial light and no view to the outside. Flats 3 and 4 would have more windows, thereby potentially providing natural light to a great amount of living space.

6. However, even the largest window in flat 3 would allow in limited light and provide poor views because of the location of the flat at basement level and therefore a retaining wall in close proximity to it. The other flats would all be worse, to varying degrees, with flats 1 and 2 being the worst affected.
7. Whilst the flats would meet the Nationally Described Space Standards the living conditions would be unacceptable as a result of a lack of natural light and poor outlook. Even taking account of the fact that the flats are designed to be occupied by young people who may not be at home much, they would still be unacceptable as this level of light and outlook would be likely to have adverse effects on their well-being, particularly in winter months when daylight hours are shorter, and the weather means it is likely they would spend more time indoors. I also recognise the need for a diverse range of housing options but that should not include housing with unacceptable living conditions for the occupiers.
8. As such the proposal would result in significant harm and be in clear conflict with Bradford's Core Strategy Development Plan Document policy DS5 which seeks to ensure development proposals make a positive contribution to people's lives through high quality, inclusive design, including not harming the amenity of prospective residents and policy HO9 which requires rooms to receive adequate levels of daylight.

Planning Balance

9. There is common ground between the parties that the Council cannot currently demonstrate a 5-year housing land supply, although it is not clear what the current land supply position is. As such, the presumption in favour of sustainable development at paragraph 11(d) of the Framework is engaged and the policies most important for determining the proposals are deemed to be out of date.

Benefits

10. The appeal proposal would provide a very small contribution to the Council's current housing land supply shortfall. Economic benefits would arise as a result of the jobs created through the construction of the proposed development as well as in the accompanying materials supply chain, but given the scale of the development this would be very modest.

Adverse effect of the proposed development

11. The appeal proposal would provide unsatisfactory living conditions for future occupiers of the flats and therefore conflict with CS policies DS5 and HO9. It would also conflict with one of the key threads of the Framework which is the creation of high quality and safe places which promote health and well-being, with a high standard of amenity for future users.

Conclusion

12. I have identified that the appeal proposal would conflict with policies DS5 and HO9 of the CS, although due to the engagement of the Framework's tilted balance, the weight afforded to this conflict would be reduced.
13. The parties agree that the Council cannot demonstrate a 5-year supply of deliverable housing sites and therefore paragraph 11(d)(ii) of the Framework

and the presumption in favour of sustainable development is engaged.

Paragraph 11(d) states that where the most important policies for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits which assessed against the Framework and the Development Plan when taken as a whole. I have found that the proposal would conflict with the Development Plan. I have also identified that the proposal would conflict with the Framework overall.

14. In this case some modest benefits would arise. These include the provision of housing which would make a very small, but positive contribution to addressing the shortfall in housing land supply. The proposal would also provide a very modest economic benefit.
15. In this case the adverse impacts of granting planning permission would as a result of the degree of conflict with CS policies significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework as a whole.

Overall Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR