



# Appeal Decision

Site visit made on 6 June 2023

**by A Caines BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12th June 2023**

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**Appeal Ref: APP/E2734/W/23/3318925**

**1 Artisan Street, Harrogate, North Yorkshire HG2 0FJ**

- 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 A Hewson against the decision of Harrogate Borough Council.
  - The application Ref 22/03173/FUL, dated 15 August 2022, was refused by notice dated 19 October 2022.
  - The development proposed is conversion of existing workshop to a single dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have noted that the appellant would be willing to alter the windows to seek to address the reasons for refusal. However, it is not the purpose of the appeal process to engage in consideration of alternatives. Consequently, I have determined the appeal on the basis of the plans which formed the application to the Council.
3. The appeal site lies within the Harrogate Conservation Area (the HCA). However, the effect of the development on the HCA has not been raised as a concern by the Council and I am satisfied that the character and appearance of the HCA would be preserved.

## Main Issue

4. The main issue in this appeal is whether the development would provide acceptable living conditions for its occupiers.

## Reasons

5. The appeal relates to a single-storey building, which is set back a short distance from the edge of the pavement on a hard surfaced forecourt. The evidence before me suggests that the building was originally a public convenience, but may have more recently been used as a 'workshop'.
6. The proposal is to convert the building to a one-bedroom dwelling, with an internal floor area of approximately 19 m<sup>2</sup>. Even if it is considered as a single occupancy dwelling, this falls significantly short of the Technical Housing Standards – Nationally Described Space Standard (NDSS), which states that a one-person occupancy dwelling must have a minimum area of 37m<sup>2</sup>. The NDSS reflects what the government considers to be the minimum space required to allow for modern living, although the standards are not prescriptive unless they form part of adopted local planning policy.

7. Whilst Policy HS5 of the Harrogate District Local Plan 2020 (the LP) requires compliance with the NDSS, it does not apply to a change of use. As such, the failure to comply with the NDSS is not determinative in this case. However, Policy HP4 is applicable and seeks to ensure that the amenity of occupiers is protected. This includes a requirement for well-designed and located private outdoor amenity space. Furthermore, paragraph 130 of the National Planning Policy Framework (the Framework) seeks development that will function well; and which promote health and well-being with a high standard of amenity for future users, amongst other things. Therefore, I have assessed the proposal in terms of its overall quality and functionality for permanent occupation.
8. The drawings show a combined bedroom and kitchenette arrangement with a separate shower room. Indicative casual seating and wardrobe provision is also shown. Further, the site has its own parking and lies in an accessible location with easy access to local services and amenities.
9. Nonetheless, the building is inescapably modest in size and the overall level of internal living space would be unacceptably cramped as a result, even taking into account potential space saving measures that might be used. In addition, whilst adequate light and ventilation would be provided, there would be a poor standard of outlook due to all of the windows being at a high level. The lack of any private outdoor space would further reduce the overall quality of the accommodation on offer, notwithstanding there are areas of public open space within walking distance. Thus, through a combination of the confined space, limited outlook, and lack of private outdoor space, the development would provide an unsatisfactory standard of accommodation.
10. The appellant claims compliance with the Council's Houses in Multiple Occupation (HMO) guidance, but the document is not before me. In any event, the proposal is not part of an HMO. Reference is also made to apparently comparable flat developments in the area, but no details are provided. I have necessarily considered the appeal on its individual merits and have found that the proposal would be harmful for its own specific reasons.
11. I therefore conclude that the development would not provide satisfactory living conditions for its occupiers. In this regard, there is conflict with Policy HP4 of the LP and paragraph 130 of the Framework.

## **Conclusion**

12. The development would bring with it some benefits in the form of providing a new home close to services and public transport links. However, this does not outweigh the harm I have identified in relation to living conditions and the resultant conflict with the development plan and the Framework when read as a whole. Accordingly, the appeal should be dismissed.

*A Caines*

INSPECTOR