



Appeal Decision

Site visit made on 11 April 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2023

Appeal Ref: APP/J3015/W/22/3312137

Land adjacent to 15 Lambeth Court, Beeston, Nottinghamshire NG9 2DT

- 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 King Tang against the decision of Broxtowe Borough Council.
 - The application Ref 22/00501/FUL, dated 13 June 2022, was refused by notice dated 23 August 2022.
 - The development proposed is described as construct two x 2 bedroom dwellings
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above differs to that contained in the planning application form. However, the Council's decision notice and the appellant's appeal form refer to the above description. I have therefore used that in the interests of clarity.

Main Issues

3. The main issues are:
 - whether the proposed development would provide satisfactory living conditions for future occupiers with particular regard to the provision of internal space; and
 - the effect of the development on the character and appearance of the area.

Reasons

Living conditions

4. The appeal site comprises land to the side of No15 Lambeth Court, an end terrace two storey property within a residential area. The area has a relatively high density and although some dwellings have been extended, they have a consistent style, and appearance and spacing between them. Permission has been granted on the appeal site for a single dwelling¹. The overall form of the appeal proposal would be similar to that already approved but would comprise two dwellings which would continue the row of terraces to the side of No15 up to the footway where Lambeth Court meets Herald Close.

¹ 19/00617/OUT Outline application to construct dwelling with all matters reserved and 21/00864/REM Construct dwelling (reserved matters - scale, layout, appearance, access and landscaping - 19/00617/OUT).

5. The Government's 'Technical housing standards – nationally described space standard' (2015) (the standards) include amongst other things that the minimum gross internal floor area (GIA) for a two-bedroomed two-storey four-person dwelling is 79m². Whilst the layout shows the accommodation over 2 floors the requirements set out in the standards are the minimum considered necessary to provide satisfactory accommodation. The appellant does not appear to dispute the Council's claims that the dwellings have a GIA of 65.8m² and 66.6m².
6. The proposed plans show the external width of both dwellings at approximately 6.9m. The bedrooms extend the full width of each dwelling. The standards set out that for two-bedroom four-person accommodation that a double bedroom has to be 2.75m wide. Given the width and length of the overall building, there is nothing to indicate that all bedrooms would not be capable of being double rooms or that the dwellings could be occupied by four people, in this respect the shortfall against the standards would not be insignificant.
7. In addition, the modest internal space provided means that future occupants would have insufficient space for the furniture they are likely to require and for circulation. In particular the space around the combined lounge and dining area would feel cramped if laid out with the requisite amount of seating, and dining furniture. Taking the amount of space provided and the layout into account I am therefore not persuaded that there would be adequate living space for future occupiers of the dwellings and that it would feel cramped. Even if the lower threshold of 70m² (for three people) was taken into account, the proposal would still be below the minimum standards.
8. The appellant does point out that the standards have not been adopted by the Council's development plan. With this in mind, whether or not they are adopted, or the wider housing industry considers they stifle housing growth, they are a useful point of reference to provide an indication of reasonable minimum standards for internal space to ensure satisfactory living conditions for future occupiers. In addition, whether another Council would have approved this development is not a matter to which I can give significant weight. I do not have the full details of the Nottingham City policy. In any event, it has been explained that this is subject to market demands and viability, for which compelling evidence has not been presented here.
9. Each property would be provided with its own private garden areas. I am satisfied that the gardens would be sufficient to dry washing or sit outside. Although the proposed gardens would not compromise the living conditions of future occupants this would not outweigh the harm I have found to living conditions for future occupiers with particular regard to the provision of internal space.
10. Consequently, having regard to the layout and overall size of the dwellings, the proposed development is contrary to Policy 10 of the Aligned Core Strategy Part 1 Local Plan 2014 (Core Strategy) and Policy 17 of the Part 2 Local Plan 2019 (the Local Plan). Combined and insofar as they are relevant to the appeal, these require that developments should create places with a high standard of amenity for existing and future users

Character and appearance

11. The overall scale and massing of the dwellings combined would be similar to the previously approved single dwelling. Although the small irregularly shaped rear gardens would be in contrast to the more spacious pattern of immediate development prevailing, they would not appear prominent from the surrounding area due to the proposed site boundaries and relatively high density of the wider area. Given the relatively minor adjustments to the external appearance neither would the development be detrimental to the streetscene compared to the appearance of the approved dwelling, which I have afforded weight in this respect. I am satisfied that the character and appearance of the area would not be harmed.
12. Consequently, the development would not conflict with the design requirements of Policy 10 of the Core Strategy and Policy 17 of the Local Plan. These policies seek to ensure the design of new development is appropriate for its local context and surroundings.

Other Matters

13. Whilst the Broxtowe Housing Strategy 2015 – 2020 may advise there is a need for smaller homes, it is not clear given its date parameters if this is still the case. Nor is it clear whether the Issues and Options paper associated with the Local Plan relates to the standards as opposed to the size of rear gardens and distances between dwellings, nor have I been provided with its date of publication. Whilst I do not disagree that a variety of tenures can help build cohesive communities, it is not clear why dwellings of a generally accepted minimal size would not contribute towards this either. There is no legal agreement before me in this case that would secure entry level or affordable housing. As such the weight I can attribute to these matters is limited.
14. Within my decision, I have taken into account that age and race is a relevant protected characteristic for the purposes of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 (the PSED). The PSED requires due regard to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
15. The proposed dwellings would provide smaller units which the appellant contends would suit persons with a protected characteristic. However, it has not been demonstrated that the proposed development is the only option available to the appellant to achieve smaller units, and in any event, I have found the proposed living environment of both dwellings to be unsatisfactory. Therefore, the PSED considerations do not outweigh the harm that I have identified. I am satisfied that the impact of dismissing the appeal is proportionate and justified.
16. The appeal site is in Flood Zone 2. However, a Sequential Test has been submitted which concludes that there are no alternative sites available within areas with a lower probability of flooding. The Council has not disputed this assessment, nor have they found harm in relation to neighbouring living conditions, highway safety and parking. Whilst I see no reason to take a different view on these matters, these matters neither weigh for nor against the proposed development.

Planning Balance and Conclusion

17. The appellant has identified a range of benefits that would arise from the development. These include the efficient redevelopment of a site in an accessible location; delivery of small houses in an area where there is a purported identified need; and the economic benefits that would arise from construction and future occupiers. There is no doubt these matters would accord with many policies of the development plan and the National Planning Policy Framework (the Framework) as identified by the appellants. However, the harm that would arise to future occupiers living conditions arising from the layout and size of the dwellings brings the proposal into fundamental conflict with the development plan as a whole.
18. The benefits of the proposal are not sufficient in this case to outweigh the harm I have identified and the conflict with the development plan. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR