



Appeal Decision

Site visit made on 3 July 2023 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2023

Appeal Ref: APP/N4720/W/23/3321402

33 Victoria Avenue, Osmondthorpe, Leeds, LS9 9DL

- 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 Ms D Myers against the decision of Leeds City Council.
 - The application Ref 23/00987/FU, dated 16 February 2023, was refused by notice dated 13 April 2023.
 - The development proposed is conversion of a house to form two dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposed development would provide adequate living conditions for future occupiers of the proposed dwellings, with particular regard to internal space.

Reasons for the Recommendation

4. The appeal site relates to a two and half storey end-terraced property. It is located in a residential area consisting of rows of close-knit terraced properties.
5. The existing 6-bedroom property would be sub-divided to create two 3-bedroomed dwellings. I have been referred to Policy H9 of the Leeds Local Plan Core Strategy (Review 2019) (CS) which sets out the minimum space standards for new dwellings, I note that it also accords with those outlined in the Nationally Described Space Standards. Based on the bedroom measurements provided by the Appellant, the submitted plans show two 4person, 3-bedroom, 3-storey dwellings. In this regard the minimum floor space required by Policy H9 is 90m² for each dwelling.
6. In the absence of evidence to the contrary, I have taken the total floor areas for each of the dwellings quoted by the Council to be Gross Internal Areas (GIAs). The Council have provided two sets of different calculations of the proposed floor areas within the Officer report. The initial calculations for dwelling one (No.33) and dwelling two (No. 33A) on the site plan show a GIA of 79.8m² and 81.4m² respectively. The second set of calculations detail an increased GIA with dwelling one at 86.1m² and dwelling two at 88.1m². It is

not clear which of the calculations they deem to be correct. Notwithstanding this, both sets of calculations show the proposed dwellings to be below the required threshold.

7. The Appellant has not provided any contrary calculations to refute the Council's evidence, only providing measurements for the bedroom floor areas. For this reason, I have based my assessment on the Council's figures. On that basis, irrespective of which Council figures are used, I consider these shortfalls against the minimum requirements to be indicative that the proposed dwellings are unduly small and would result in an adverse impact on the living conditions of future occupiers.
8. I therefore conclude that based on the evidence before me, the proposed development would not provide acceptable living conditions for future occupiers on account of the lack of sufficient gross internal floor area. Consequently, it would conflict with Policy H9 of the CS and Saved Policy GP5 of the Leeds Unitary Development Plan (2006). Collectively, these policies seek, amongst other things, to ensure that development provides acceptable levels of amenity.

Other Matters

9. The Appellant has stated that there is a shortage of the type of housing proposed in the area. However, whilst this may be the case, the provision of a single additional dwelling over the existing situation would only be capable of making a limited positive contribution to the local housing supply if it possessed the minimum required internal floor area. The proposal, on the main issue of this appeal, would not provide adequate living conditions for future occupiers with regards to internal floorspace. As a consequence, any contended benefit would fail to outweigh the harm identified.
10. The Appellant states that other properties along the street have undertaken the same conversion and that 3-bedroom flats in the city are more compact and that these comply with Policy H9. I have been provided with no substantive evidence to suggest that this is the case, the locations of the properties referenced, or whether these have been constructed since Policy H9 was introduced. In any case, I have determined the appeal on its own merits.
11. I note the Appellants argument that there would be no alterations to the external appearance of the property, although the submitted plans do indicate that there would be minor changes to the front and rear elevations with additional doors inserted. Whilst these additions would not be prominent or have any adverse impact on the appearance of the property, this does not outweigh the harm identified with regards to living standards.
12. The Appellant contends that the current 6-bedroom house in this location is not suitable, with a property of that size requiring a larger site. Whether this is the case is unclear, but in any event it does not justify the introduction of new dwellings that are smaller than the required space standards.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR