



Appeal Decision

Site visit made on 6 June 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2023

Appeal Ref: APP/Z0116/W/22/3311251

149 West Street, Bedminster, Bristol, BS3 3PN

- 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 Iftikhar Malik against the decision of Bristol City Council.
 - The application Ref 21/03401/F, dated 30 June 2021, was refused by notice dated 21 June 2022.
 - The development proposed is described as "part change of use of an existing B1(a) office to a residential C3 dwelling house. C3(a)."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of future occupiers of the proposal with particular regards to outlook, light, and internal living space.

Reasons

3. The appeal site accommodates a mixed-use, mid- terrace building, with a single-storey extension to the rear. The proposal involves the conversion of the rear of the ground floor into a self-contained flat, with access via a lane to the rear of the terrace and a front access from West Street. A courtyard would be provided to the rear with a cycle shed. A communal bin area would be provided on the rear lane.
4. The proposed development would only have openings on its rear elevation which would face towards the rear access lane. Opposite the openings, some 3.8 metres away, would be the wall that separates the appeal site from the access lane. Located between this and the proposed windows would be the cycle store. The height of the wall combined with its close proximity to the proposed openings would create a dominant feature which would have an overbearing effect on the outlook from the proposed development harming the living conditions of future occupiers.
5. Additionally, whilst the proposal would provide three large windows to the rear elevation, the proximity of the rear wall and height of the existing side walls, would create an enclosing effect on the outlook from these windows and would also significantly restrict levels of light which would result in the rooms they serve being overly dull to the detriment of their useability. As the proposed bedroom, living area and kitchen would be separated from the windows by a dining area, these rooms would be significantly affected by restricted light levels harming the living conditions of future occupiers.

6. Paragraph 130 of the Framework says that planning policies may make use of the nationally described space standard (the NDSS), where the need for an internal space standard can be justified. I have not been provided with any evidence that the Council have adopted these standards, however the figures quoted by both the Council and the appellant appear to match those within the NDSS.
7. Policy BCS18 of the Bristol Development Framework Core Strategy (2011) relates to the type and mix of housing and states that residential development should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards. Paragraph 130 of the Framework says that planning policies may make use of the nationally described space standard (the NDSS), where the need for an internal space standard can be justified. I have not been provided with any evidence that the Council have adopted these standards, however Policy BCS18 makes reference to space standards and the figures quoted by both the Council and the appellant appear to match those within the NDSS.
8. The proposal would provide a one-bedroom flat measuring approximately 54 square metres, so would provide sufficient space in terms of floor area in terms of the requirements of the NDSS, which is 50 square metres. The proposal itself only contains an open plan kitchen/living/bedroom area, bathroom storage area and internal corridor. External space would be provided by a courtyard which would also include a cycle store. However, having regard to the overall size of the accommodation, combined with the private outdoor amenity space, I consider that the proposal would provide an appropriate level of living conditions for future occupiers.
9. I have had regard to the Council's Officer Report that states that only 41 square metres of the proposed development would be useable space as the remainder is an internal corridor. No guidance is provided within either the NDSS or Council policy regarding internal corridors. Nevertheless, the plans clearly indicate that sufficient space is provided for day to day living, sleeping and storage. In addition, an external area is provided as private amenity space.
10. For the reasons above I conclude that, whilst the proposal would not harm the living conditions of future occupiers in respect of internal space, it would have a harmful effect upon the living conditions of future occupiers with particular regards to outlook and light. The proposal is therefore contrary to CS Policies BCS15, BCS18 and BCS21 which seek, amongst other things, to ensure that development provides a high-quality environment for future occupiers. The appeal scheme would also be contrary to paragraph 130 of the Framework that seeks a high standard of amenity for existing and future users.

Other Matters

11. The appellant asserts that the proposal would provide a number of benefits in the form of being environmentally friendly as the proposal could be occupied by the same tenants as the commercial unit and that enlarged glazing, solar panels and bike store would be provided. No mechanism has been submitted that would require the future occupier also to be the tenant of the commercial unit, as such I can only afford this limited weight. With regards to the other alterations to the building, this appears to mitigate the proposed development rather than be tangible benefits, as such I can only afford these limited weight.

Due to the limited weight, they do not overcome the harm I have identified above.

Conclusion

12. Whilst there would be no harm in regard to internal space, this would be neutral and thus insufficient to outweigh the harm in regard to light and outlook. There are no other relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan which, for the above reasons, the appeal scheme would be in conflict with. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR