



Appeal Decision

Site visit made on 21 August 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/X4725/W/23/3318853

95A Station Lane, Featherstone, Pontefract WF7 5BJ

- 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 City Barbers against the decision of Wakefield Metropolitan District Council.
 - The application Ref 22/02147/FUL, dated 14 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is conversion of existing property (House) to form 2 No residential units.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council has raised no concerns in respect of the one bed flat, and on the basis of the evidence before me, I have no reason to find differently. Accordingly, the main issue is whether the proposed studio flat would provide adequate living conditions for future intended occupiers, with particular regards to internal living space, natural light and amenity space.

Reasons

3. The appeal premises is a two storey mid terraced property located on Station Lane, within a mixed use area. The appeal premises and its immediate neighbours have commercial uses to the ground floor with accommodation above. The door to the existing residential accommodation is on Station Lane and provides access to the whole of the residential accommodation. Pedestrian access to the rear is via a gate located to the gable elevation of No 91 Station Lane. The building of No 91 is orientated at right angles to the appeal site, with its rear elevation and the single storey mono-pitched roof outrigger to the rear of No 93 Station Lane, projecting beyond the rear elevation of the appeal premises.
4. The proposal would provide two flats, the ground floor studio would be set to the rear of the existing shop, accessed via the rear and comprise of a single aspect living/sleeping area with shower room within the main body of the building and a separate kitchen within the single storey outrigger. A dual aspect one bed flat with separate lounge, kitchen and bathroom would be at first floor, accessed via the existing door located to the front.
5. The studio flat would be small and whilst it would provide a living/sleeping space, shower room and kitchen within the ground floor studio flat, there would be little floor space to provide seating or dedicated storage normally associated

with day to day living. Furthermore, plans provided show the bed filling the whole recessed area, with little or no space provided for accessing the bed in the traditional manner. I note the submissions that the flat would be occupied by a single person, however even if this were so it is likely that friends and family would visit meaning that the accommodation would be more cramped with little space for the intended future occupier or their visitors to sit in comfort. As such the proposal would result in little useable space for future occupants when arranged alongside furniture thus adding to a confined and cramped living arrangement. I note the appellants claim there is a need for single occupancy accommodation, however this does not outweigh the identified harm.

6. With regards to the matter of natural light, whilst there would be two windows within the rear elevation of the ground floor; there would be no window within the recessed area shown to serve the sleeping area. I have not been provided with any substantive evidence to demonstrate that the ground floor studio flat would benefit from adequate natural light and as such, taking into consideration the positioning of the windows within the rear elevation, the orientation of the adjoining premises and the existing outriggers which would create a tunnelling effect, the proposed living/sleeping area would be unduly dark and gloomy due to the lack of natural light.
7. With regards to amenity space, whilst I have been provided with a copy of the Council's Supplementary Planning Document (SPD) Residential Design Guide Part 1: Guidance for Housebuilders (adopted 2018), I have not been referred to a particular part of the lengthy SPD. As such I am unable to assess the proposal against this. Furthermore, I note that the Council's officer report has accepted there would be no outdoor space provided for intended future occupants and finds no harm. Notwithstanding the above, I consider that as the rear area would be associated with the ground floor studio flat, which would be unlikely to be occupied by a family, there would be sufficient space to sit out and utilise for drying washing. As such I do not find harm regarding the level of amenity space provided.
8. I conclude that whilst I have found no harm with regards to the level of external amenity space for intended future occupiers, that the proposed ground floor studio flat would fail to provide adequate living standards with regards to internal floor space and natural light, resulting in harmful living conditions for the intended future occupiers. Accordingly, the proposal conflicts with policy D9 of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document (2009) which seeks, amongst other matters, for development to ensure good levels of amenity of prospective users. There would also be conflict with the National Planning Policy Framework which seeks amongst other matters, for development to create places with a high standard of amenity for future users.

Other Matters

9. Whilst it is submitted that examples of similar proposals have been approved by the Council, no evidence has been provided regarding the circumstances of these. Furthermore, the presence of examples elsewhere does not provide justification for harmful development.

10. I note the applicant's commitment to ensure the accommodation would meet high standards of thermal efficiency, however this matter does not alter the conclusions I have reached.
11. With regards to the lack of comments from the Councils Housing and Environmental Health departments in the determination of the application. I have found that the proposed ground floor studio flat would conflict with policy D9 of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document (2009) and as such, the absence of comments from either department has little weight in my determination of this appeal.

Conclusion

12. For the reasons set out above, and having had regard to all other matters raised, the proposal conflicts with the development plan taken as a whole. There are no other considerations which indicate that the decision should be made other than in accordance with the development plan. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR