



Appeal Decision

Site visit made on 12 March 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/W4705/W/23/3334106

Eastbrook Hall, M&N Builders Properties 3 Ltd, Leeds Road, Bradford, BD1 5AE

- 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 Mansukh Gorasia against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/02734/FUL, dated 24 July 2023, was refused by notice dated 24 October 2023.
 - The development proposed is described as 'conversion of lower ground floor to provide 4 x studio apartments for use as short term lets defined as to no more than 3 months and no return within 2 months'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Eastbrook Hall is a Grade II listed building (Ref: 1133041) and is within the Little Germany Conservation Area. I am aware that listed building consent was granted in 2022 for the works included in the appeal scheme.
3. On 19 December 2023 the government published its revised National Planning Policy Framework (the Framework). Whilst this post-dates the evidence provided by the main parties in relation to this appeal, since the revised Framework's approach to the main issue in this case has not altered significantly, I confirm that all references to the Framework in this decision are to the updated 2023 version.

Main Issue

4. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers, having particular regard to daylight and outlook.

Reasons

5. The appeal property is a large building in mixed use in Bradford city centre. The proposal seeks the use of the unoccupied basement as four studio apartments. The Council raises no objection to the principle of residential apartments there. A previous appeal¹ for the provision of four such units for permanent residential use was dismissed in 2023 on grounds relating to outlook and daylight.

¹ APP/W4705/W/23/3317513

6. In light of that decision, the appellant accepts that the basement cannot be used as permanent accommodation and the use of the units as short term lets is now proposed.
7. As previously, each unit would incorporate a kitchen/dining area, sleeping area and lounge area in an open plan layout with a private shower room and would meet minimum space standards. The units would utilise the lower part of the existing windows facing Chapel Street which are split by a mezzanine floor. The upper parts of the windows serve the car park above the basement.
8. Flats 1 and 2 would each have a single narrow window which would serve the sleeping areas. Flat 3 would be served by one larger window, and Flat 4 by two windows. However, all the units would only be served by the bottom half of the windows which are well situated below street level in a narrow lightwell and would be very close up to its tall retaining wall. There are railings to the top of the lightwell and tall buildings opposite on the other side of the street. Due to these factors, the proposed units would receive only limited levels of daylight and so would be gloomy and dark.
9. Additionally, they would provide almost no outlook. The outlook from the units would be restricted to the facing wall of the lightwell at very close quarters. Views of the sky, or any other sense of the building's surroundings would not be readily obtained unless the occupiers were to stand close to the windows and attempt to look directly up. The units would only have this aspect and no alternative views out or visual relief would be provided. I find that this situation would be unsatisfactory and would provide the future occupiers of the units with an unduly constrained outlook. This would be to the extent that they would experience an oppressive sense of enclosure when occupying the units and would feel unduly hemmed in and confined there.
10. Thus, in conjunction with the lack of daylight and dim and poorly lit nature of the units discussed above, this situation would give rise to a very low standard of residential amenity and would result in an unacceptably poor quality of life for future residents. Accordingly, I agree with the findings of the previous Inspector that such living conditions would be likely to have adverse effects on well-being, particularly in the winter months when daylight hours are shorter.
11. The appellant refers to the distinction between the permanent occupancy previously proposed, and the short term occupancy now sought. Whilst the description of development on the application form indicates the short term let would be for no more than 3 months, the appellant suggests through the appeal that a period of 2 months would be acceptable. It is suggested that such a restriction could be secured via a planning condition.
12. I also note that whilst this is intended to be an upper limit, it is anticipated that in practice occupiers would only be likely to stay for a weekend, a few nights, or a week. The units would provide an alternative to a hotel for leisure visitors to the city or those working away from home, and so the occupants would be likely to spend a good deal of time away from the accommodation.
13. Nevertheless, the units would provide those who use them with the facilities required for day-to-day private domestic existence. This remains the case even if the units are occupied for only part of the year/month/week, or at infrequent intervals, or by a series of different people. Consequently, in my view acceptable living conditions would still need to be provided.

14. I am not persuaded that deficiencies in light and outlook are acceptable even if they are experienced for a short amount of time. I have had regard to the appellant's argument that it would be clear to potential occupiers that the units are in the basement, that this would be reflected in their rental prices and the reviews received. I am also aware that potential occupiers would be free to make their own choices. However, these are not reasons to allow sub-standard accommodation and unsatisfactory living accommodation.
15. I therefore conclude on the main issue that the proposal would fail to provide satisfactory living conditions for future occupiers, having particular regard to daylight and outlook.
16. This would be contrary to Policy DS5 of the Bradford Core Strategy Development Plan Document (CS) which seeks to provide safe and inclusive spaces that make a positive contribution to people's lives through high quality inclusive design which (amongst other things) would not harm the amenity of existing or prospective users and residents (F). It would conflict with CS Policy HO9 which concerns housing quality and requires (amongst other things) that rooms in new homes should receive adequate levels of daylight (E). The proposal would also fail to support the guidance in the Council's Homes and Neighbourhoods Supplementary Planning Document which requires proposals to demonstrate how views and aspect have been designed to create attractive and secure flats and apartment buildings.
17. Additionally, the proposal would conflict with the aim of paragraph 135 of the Framework which requires development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other matters and planning balance

18. The appeal property is in a sustainable city centre location and the proposal would see the re-use of the building and use of previously developed land. It would contribute to the economy and tourism and provide increased accommodation mix and choice to meet demand (including a cheaper alternative to a hotel for work and leisure stays and a different experience). Additionally, the occupiers would support local shops and services.
19. The Framework seeks to build a strong and competitive economy, and to ensure the vitality of town centres. The CS includes strategic objectives relating to housing and economic growth, and strategic core policies 4 and 5 which concern the role of Bradford as a regional city. CS Policy BD1 relates to urban regeneration and renewal and encourages the intensification of uses, creation of homes, re-use of existing buildings, and a range of house types and sizes (amongst other things). CS Policy EC5 identifies Bradford city centre as a focus for economic activity including tourism and acknowledges that tourism and leisure needs to be accommodated and promoted in a sustainable manner. The Bradford City Area Action Plan supports regeneration and economic development and refers to a strong and vibrant presence of cultural and visitor attractions.
20. Even so, whilst the proposal would support these policies and provide benefits in these regards, I am not persuaded that the Framework or the CS seek to promote economic growth or regeneration via the provision of accommodation that would provide unsatisfactory living conditions (even in the short term).

21. The proposal would bring the basement of the listed building into use/occupancy rather than it remaining vacant. This is a benefit of the scheme. The appellant has considered but ruled out other potential uses of the basement, including an office, health provider or retail unit. However, I have seen no substantiated evidence to demonstrate that there are no less harmful uses for the basement. This tempers the weight to be afforded to this benefit.
22. Although the appellant refers to the contribution the proposal would make to the character and appearance of the conservation area, no further details of this or explanation has been provided. Thus, I find that any benefits arising in this regard would be small, and would also be likely to arise from an alternative less harmful use of the basement.
23. Bringing matters together, having regard to all these factors, I find that even taken together, the benefits of the proposal are insufficient to outweigh the harm I have identified in relation to the main issue. That the scheme would be undertaken to a high standard and marketed well does not alter my view.
24. The appellant refers to CS Policy P1 which concerns the presumption in favour of sustainable development. Whilst it has not been put to me that the presumption in favour of sustainable development as set out in the Framework is engaged in this appeal, Policy P1 states that the Council will always work proactively with applicants to jointly find solutions that mean proposals can be approved wherever possible. The appellant considers that this has not been the case. However, that is a matter between the appellant and the Council. I confirm that I have considered the appeal proposal on its own merits and made my own assessment as to its impacts.
25. The proposal also includes internal and external alterations to which the Council raises no objections in terms of their effect on the listed building or the conservation area. However, given my findings in relation to the main issue in this case, it has not been necessary for me to consider this matter further.

Conclusion

26. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR