



Appeal Decision

Site visit made on 4 June 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/N4720/W/24/3338119

20 Manor Road, Rothwell LS26 0RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Zobaideh Heydari against the decision of Leeds City Council.
 - The application Ref is 23/05129/FU.
 - The development proposed is proposed rear access stairs and conversion of existing loft accommodation to individual self-contained flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are whether the proposal would provide acceptable living conditions for future occupants, with regard to internal space, outlook, cycle and refuse storage.

Reasons

3. The site is the second floor of 20 Manor Road, a 2 storey property located in a row of commercial units. At the ground floor, the building operates as a hot food takeaway, with the first floor used as a residential flat, and the second floor used as office space and ancillary accommodation for staff. The proposal is for an external staircase at the rear, enabling separate access to the second floor to create a self-contained flat in the roof space.
4. The floor space of the second floor is between 44¹ and 47² square metres (sqm). This would meet the minimum floor area required by Policy H9 of the Core Strategy (as amended, September 2019) (CS) for a one bedroom one person dwelling. This policy sets out minimum space standards for new dwellings. However, part i. of the policy requires that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. The Council detail that only around 24% of the floorspace would be above 2.3m in height. The appellant provides no evidence to dispute this, and based on the plans before me, I have no reason to disagree with the Council.
5. For this reason, the proposal would fail to meet the minimum space standards, resulting in the living conditions for future occupants being severely compromised by the lack of internal space at a suitable height. Additionally, the roof lights are positioned high up the ceilings, meaning that there would be very limited outlook from these windows. Whilst they would provide a

¹ Appellant's Statement of Case

² Council's Officer Report

satisfactory source of natural light, it would be difficult to see out of these windows. This is not conducive to providing high quality living spaces.

6. There is no cycle or refuse storage proposed on the plans before me. Although there could be space for these on site to the side of the building, there is very little before me to indicate that there is sufficient space. Commercial bins are also stored in the back access road suggesting there is limited space on site to store the refuse. Whilst the appellant claims that the refuse could be accommodated in existing waste bins, this situation is far from ideal given the unit would be a new dwelling. Thus, cycle, waste and recycling storage would not be integral to the development. This could compromise access to sustainable transport for future residents and cause safety concerns to highway users if refuse bins were stored on the highway.
7. Despite the reason for refusal, the Council's Officer Report details that it would be unreasonable to expect the provision of a garden in this context. I agree. Nevertheless, when considering the lack of internal space at a suitable height, the poor outlook from the roof lights, and the lack of refuse and cycle storage, the living conditions for future occupants would be extremely poor.
8. This would conflict with Policies H9, T2 and P10 of the CS and Policy GP5 of the Leeds Unitary Development Plan (Review, July 2006). Together, these seek to improve the quality of housing provided in Leeds to create a healthy and sustainable living environment for current and future generations, delivering high quality inclusive design with safe and secure access for cyclists.
9. There would also be conflict with the Neighbourhoods for Living Supplementary Planning Document (December 2003) and the Transport Supplementary Planning Document (February 2023). These seek suitable access for all and suitable living conditions.

Other Matters

10. The appellant suggests a split decision could be issued because the Council raises no concerns about the staircase. However, the staircase would facilitate the development to a self contained flat. Therefore, it would not be clearly severable both physically and functionally from the self contained flat, and thus it would not be appropriate to issue a split decision. This is even considering the claims from the appellant about fire risk and means of escape.

Conclusion

11. For the reasons set out above, the appeal is dismissed.

Katie McDonald

INSPECTOR