



Appeal Decision

Site visit made on 11 June 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/N2535/W/23/3330582

54 Wragby Road East, North Greetwell, Lincoln, Lincolnshire, LN2 4QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr B Lane against the decision of West Lindsey District Council.
 - The application Ref is 146951.
 - The application sought planning permission for the erection of a single storey, detached annex without complying with a condition attached to planning permission Ref 134423, dated 29 July 2016.
 - The condition in dispute is No 4 which states that: The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling now known as 54 Wragby Road.
 - The reason given for the condition is: To ensure that the development is not used unlawfully as a separate unit of accommodation on a site where dwellings would not normally be permitted in accordance with policy RES13 of the West Lindsey Local Plan First Review 2006.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning permission for the construction of the annex required than the development was constructed in accordance with certain drawings. In relation to the internal arrangement of rooms, the relevant drawing was the 'Proposed Site and Floor Plan' ref 02 which showed the provision of two bedrooms. This was subsequently altered by way of an approved non-material amendment which slightly altered the dimensions and position of the building as well as the number and location of window openings. Unlike the earlier plan this did not include details of its internal layout.
3. On the basis of the site visit, other than for windows, the internal space of the annex appears to have been arranged, and a kitchen and bathroom installed, in accordance with the plan that was originally approved as part of the 2016 planning permission for an annex with two bedrooms.
4. The appellant submitted a 'revised block /layout plan' with the appeal application that shows a particularly small kitchen and bed/dining room with the rest of the inside of the building having an open plan layout with no bathroom shown. As this appeal is against the refusal to remove condition 4, which is an occupancy condition, I have assessed the appeal application on the same basis as the Council, namely that the proposal would allow a two bedroom annex to be used as a two bedroom dwelling.

5. The revised National Planning Policy Framework ('the Framework') was published on 20 December 2023 after the appeal had been made. However, as the changes that occurred are not material to this decision, the cases of the parties have not been prejudiced by not being able to comment on the revised Framework. I have therefore determined the appeal on the basis of the statements and comments that have been received.

Main Issue

6. The main issue in this appeal is whether condition 4 is reasonable and necessary in order to ensure good living conditions with regard to internal living space and outdoor amenity space.

Reasons

Internal space

7. Since the permission for the annex was granted in 2016 the West Lindsey Local Plan First Review 2006 has been superseded by the Central Lincolnshire Local Plan ('Local Plan'). Policy S53 of the Local Plan requires, amongst other matters, that a home has a good quality internal living environment with adequate space for users.
8. The Nationally Described Space Standard (NDSS) was published by government as part of its Technical Housing Standards in 2015 and sets minimum internal space standards for new dwellings. For a one storey, two bedroom, three person dwelling the minimum gross internal floor space set by the NDSS is 61sqm. The appeal building has an internal floorspace of 53sqm. Compliance with the NDSS though is not required by the development plan. Therefore whilst the NDSS remains a material consideration, insofar as it indicates what the government envisages internal space standards could be where the need for an internal space standard can be justified, I attach only moderate weight to it. In the absence of adopted space standards for new dwellings, the adequacy of internal space is therefore a matter of planning judgement.
9. The annex contains a reasonably sized bathroom and kitchen. However, both bedrooms are small and would struggle to accommodate a bed, bed side tables and furniture for storage whilst also providing sufficient circulation space for occupants. The lack of space is even more acute in the lounge which would need to accommodate a sofa, television and dining table whilst also allowing occupants to easily move around the room and carry out day to day activities. Given these observations and the limited floor area of the building, even if the internal space of the building was rearranged, I am not persuaded that a good quality living environment with adequate space for users could be provided.
10. Occupied as a residential annex to the house, the internal living space in offering some privacy and independence for occupants who would also spend time in the house is acceptable. However, as a separate dwelling, the internal living space would be cramped and would result in unsatisfactory living conditions that fall well short of what could reasonably be interpreted as the good standard of amenity for occupants of buildings sought by policy S53 of the Local Plan and paragraph 135 (f) of the Framework.

Outdoor amenity space

11. The driveway and grassed border to the side of the bungalow at No 54 would be divided in two with one half providing access and amenity space to the

dwelling and the other providing access and amenity space to the annex. Further dedicated private amenity space would be provided to both buildings to the rear of No 54. Although an unconventional and purely functional arrangement this would result in sufficient private outdoor amenity space in association with the residential occupation of both buildings.

12. Notwithstanding my favourable findings in relation to outdoor amenity space provision, this is insufficient to overcome the poor living conditions that would be provided in the annex if condition 4 was removed and the building was occupied as a dwelling. I therefore conclude that condition 4 is both reasonable and necessary in order to ensure good living conditions in accordance with policy S53 of the Local Plan and paragraph 135f of the Framework. Paragraph 135f of the Framework advises that, amongst other matters, decisions should ensure a high standard of amenity for future occupiers.

Conclusion

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

Ian Radcliffe

Inspector