

Appeal Decision

Site visit made on 11 September 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/X4725/W/24/3346850

14 Hatfield Street, Wakefield WF1 3LS

- 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 Shazia Tabasum against the decision of Wakefield Metropolitan District Council.
- The application Ref is 23/00843/FUL.
- The development proposed is conversion of property to 4 no individual units.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice refers to the Emerging Wakefield District Local Plan. Since the decision was made this plan has been adopted. The Council provided an update of which policies had been replaced or renamed as a result of the adoption of The Wakefield District Local Plan Volume 1 Development Strategy, Strategic and Local Policies (LP) 2024. I have considered the policies and find that there are no substantive changes in the newly adopted plan. I have therefore based my decision on these new policies and given full weight to these policies in my decision.
3. In my assessment of the proposed plans, the site block plan provided did not appear to relate to the appeal site, but to a different address. During the course of the appeal, I requested this plan in the interests of certainty in the assessment of the main issues.

Main Issues

4. The main issues are:
 - Whether the subdivision of the property is appropriate, having regard to the supply of family housing;
 - Whether it would provide acceptable living conditions for future occupiers, with particular regard to internal floor space;
 - The effect of the proposal on parking and highway safety; and,

- Whether adequate bicycle and refuse storage can be provided within the site.

Reasons

Subdivision

5. 14 Hatfield Street forms one of a pair of semi-detached residential properties, both of which appear to have been extended. Policy LP4 of the LP states that the subdivision or change of use of existing homes into shared accommodation will be supported where the proposal can meet a set criteria. These include that the proposal can demonstrate that there is a lack of demand for the single-family use of the property concerned, amongst other things.
6. In assessment of Policy LP4, there is an absence of compelling evidence before me to suggest that there is a lack of demand for family homes in this area, nor is there any persuasive evidence that demonstrates that the property is no longer suitable for family occupation. Whilst the appellant suggests that they have advertised the property within the local community, no such information has been evidenced in this appeal. The development would result in the loss of family housing. There is no convincing evidence which suggests that there is a lack of demand for family homes in the area as required by this policy. As such, the proposal would conflict with Policy LP4 part C of the LP.
7. This policy also requires proposals to demonstrate that the existing home is capable of conversion without causing harm to the amenities of future occupants and neighbours and that adequate provision is made for bin storage, bicycle storage and car parking. As these matters relate to the main issues as set out above, I will address these topics later in my decision.

Living conditions of future occupiers

8. Policy LP3 of the LP takes account of the Nationally Described Space Standards (NDSS) for the internal space in new dwellings, across all tenure types. The NDSS states that a development of this nature should provide a minimum floor area of 37m². However, the Council have provided measurements which provide an estimated size of each unit. This evidence suggests that 3 of the 4 units would not meet the minimum standards of the NDSS.
9. Irrespective of the NDSS, I have undertaken an assessment of the plans before me. The proposal would create separate rooms in each flat which would provide a kitchen, living space, bathroom and bedroom or a combination of a living space within a kitchen or bedroom. Overall, this proposal would create small, narrow and confined spaces in units 1, 3 and 4. Movement within these flats would become difficult once occupiers had placed their possessions within these spaces, leading to a cramped experience of those rooms. The combination of the failure to meet the NDSS, and the experience of the small, narrow and confined experience which would be found in each room would not provide acceptable living conditions for its occupiers.
10. To conclude, the accommodation which would be provided would conflict with Policy LP3 of the LP. The conversion of the property would also work against LP4 of the Local Plan which notes that proposals must demonstrate that the existing dwelling is capable of conversion without causing harm to the amenities of future occupants.

Parking and highway safety

11. The appeal site hosts a single lined driveway which is paired with a paved garden area. The extension to the appeal property limits the existing space to one vehicle. The block plan provided appears to indicate that three spaces can be provided with a small path to the front of the property. The Council note that these spaces are not large enough to comply with the Wakefield Street Design Guide 2012 (SPD). In my assessment of this matter, owing to the limited space between each designated space I come to the same conclusion as the Council on this issue. The SPD also states that for four individual units, four car parking spaces should be provided. As proposed, there would be a shortfall in the number of parking spaces required for a development such as that proposed in this appeal. The three spaces which would be provided would also be too small and not comply with the standards outlined in the SPD.
12. As such, the shortfall of parking spaces would likely result in overspill onto Hatfield Street. Terraced properties without driveways contribute to the make-up of Hatfield Street. As such, there is a strong demand for on street parking in this immediate location, despite being in an accessible location. During my site visit, I saw that the highway was particularly congested. Cars driving towards each other regularly must stop and allow passage to oncoming vehicles due to the number of parked cars on both sides of the highway. As such, the proposal would contribute to the functional difficulty of passing through Hatfield Street.
13. The appellant contends that their family is large and could generate a significant number of vehicles which could be parked on Hatfield Street over the next few years. The property would allow for a large family, both in terms of its existing use and the space available. However, in the assessment of the proposed conversion, the requirements are clear and these would not be met. An application to grant planning permission for a similar scheme without on-site parking on Clarendon Street is also cited. However, there is no substantive evidence that these schemes are comparable. Therefore, I ascribe limited weight to this matter, which does not outweigh the harm I have identified.
14. To conclude, the proposal would conflict with LP27 of the LP. This policy requires development to ensure suitable access to and within the development which does not present an unacceptable impact on highway safety, or result in cumulative impacts on the highway network and provide a level of parking provision appropriate to the proposal.
15. The decision notice cites Policy D14 of the previous local plan and Policy WSP22 of the Emerging Local Plan. The Council note that Policy D14 has been replaced by LP27 of the LP. Policy WSP22 is a Green Belt policy. Policy WSP22 has no relevance to this matter and has therefore not been assessed in the context of this main issue.

Bicycle and refuse storage

16. Policy LP4 of the LP requires proposals which would create the sub-division of a property to provide adequate provision for bin storage. Bicycle storage facilities must also be provided unless it is demonstrated that the site is sustainably located with access to regular public transport or is within a 400-metre walking distance of a defined town centre. Policy LP56 of the LP states that proposals

should provide facilities for cyclists. It further notes that development should incorporate arrangements for servicing, waste handling, recycling and storage.

17. The block plan does not indicate how cycling storage or bin storage would be provided in addition to the three car parking spaces shown to the front of the property. Due to the limited space shown on the plan, I find that the site would not be able to accommodate this bin storage, in addition to the three parking spaces indicated on the proposed plans. The Council note in their officer report that the site is well served by public transport. As such, whilst no bicycle storage provision would be provided, the location of the site would meet the requirement of Policy LP4.
18. To conclude, I find that the proposal would be in conflict with Policy LP4 and LP56 of the LP with regard to bin storage. However, I do not find harm with regard to the absence of bicycle storage, due to the location of the site which is well served by public transport, as required by Policy LP4 of the LP.
19. The decision notice cites Policy LP54 of the LP as one of the policies considered in the reason for refusal on this issue. This policy is not applicable as it is related to the protection of trees and woodland. Policy LP56 of the LP focuses on the design of new development. As such, given its applicability to this matter, I have considered the proposal against Policies LP4 and LP56 of the LP.

Other Matters

20. The appellant states that many properties in the adjoining area have been subdivided to form HMO accommodation legally or without consent. No evidence has been provided to assess this matter further and therefore, I ascribe limited weight to this matter in my decision. There is no convincing evidence before me to suggest that drug taking takes place in the vicinity, or that vandalism is a common problem. Nevertheless, this would not be a reason to justify the proposal, given the harm I have found with regard to the proposed development.

Conclusion

21. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR