



Appeal Decision

Site visit carried out on 20 January 2025

by Mrs J A Vyse DipTP MRTPI DipPBM

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/W3005/W/24/3348956

12, Carnarvon Road, Huthwaite NG17 2JQ

- 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 Shashi Sharma (SSK Premium Properties) against the decision of Ashfield District Council.
 - The application No is V/2024/0263.
 - The development proposed is described as a studio/bedsit/granny annexe at the back of the garden.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Preliminary Matters

2. During the application process, and notwithstanding the description of development set out in the banner heading above (which is taken from the planning application form) the appellant confirmed to the Council (both by email and on-site discussion) that the proposed building would be used as a separate dwelling. The Council dealt with the proposal on that basis. I have no reason to take a different approach.
3. The grounds of appeal suggest a willingness to increase the size of the accommodation proposed to address the Council's concerns in relation to internal floor space. However, it is not the purpose of the appeal process to evolve a scheme. I am required to assess the proposal on the basis of the same plans as were consulted on and considered by the Council in coming to its Decision. I confirm therefore, that I have dealt only with the original application plans and have had no regard to any alternative design. The merits of any alternative scheme would be a matter for consideration by the Council as part of a fresh proposal.

Main Issues

4. The main issues in this case relate to whether acceptable living conditions would be provided for future occupiers having regard to the quantum of internal floor space and private amenity space provision, and the effect of the development on highway safety.

Reasons for the Decision

5. The appeal property is located in a residential area that backs on to an industrial area. It comprises a two-storey semi-detached dwelling, which the Council indicates is in multiple occupation. It is proposed to erect a single storey building at the end of the rear garden to provide a separate residential studio unit. It would have a footprint of some 4.3m x 7.6m, with a hipped pitched roof over, the ridge running front to back - height to eaves 2.4m, height to ridge 3.9m. The accommodation would comprise a room at the rear of the building containing a

double bed, kitchen area and dining space, with a shower room and toilet and an entry foyer at the front.

Living Conditions for Future Occupiers

6. Among other things, the Council's Residential Design Guide SPD (2014) provides an important indication of the minimum living space which should be provided in order to allow an acceptable modern living environment. To ensure that new residential development provides a basic level of space for living, cooking, dining, sleeping, washing and storage of household goods, it seeks a minimum internal floor area of 33 m² for studio units.
7. As confirmed in the officer's report, the proposed building has an internal floor area of just 27.35m², some 5.65m² below the suggested minimum. That shortfall is significant in a building of this limited size. As such, I consider that the quantum of accommodation would not provide acceptable living conditions for future occupiers, even were it confined to single person occupancy as suggested by the appellant.
8. Moreover, policy HG5(c) of the Ashfield Local Plan Review (2002) is permissive of new residential development where adequate garden space is provided. In this regard, the Design Guide SPD sets out that a one-bed dwelling should be provided with a single area of private open space of at least 50 square metres.
9. The accommodation proposed would be set just 1 metre off the rear and side garden boundaries, some 15.4m away from the rear of the existing dwelling, with no private outdoor amenity space. The appellant confirmed to the Council, in this regard, that future occupiers could share what would remain of the garden for the host property. However, that property is in multiple occupation and the suggested arrangement would not afford the opportunity for domestic activities such as drying clothes or sitting outdoors in a private space, which would be expected with a separate dwelling. The proposal is unacceptable in this regard.
10. In light of the forgoing, I find that the proposal falls significantly short of what is expected in terms of both the quantum of living space and the provision of private outdoor amenity space. As such, it would not provide suitable living conditions for future occupiers, bringing it into conflict with policies HG5 and ST1(a) and (b) of the Ashfield Local Plan Review and with the Residential Design Guide SPD, which together and among other things, seek to protect such interests. There would be conflict too with paragraph 135(f) of the National Planning Policy Framework (2024), which seeks to secure a high standard of amenity for future users.

Highway Safety

11. Local Plan policy ST1(c) is only permissive of new residential development where there would be no harm to highway safety or the capacity of the transport system. To that end, policy HG5(f) requires that parking be provided for residential development in accordance with the Authority's standards. At the current time, these are found in the Ashfield Residential Car Parking Standards SPD (2014). It confirms that for one-bed dwellings, a minimum of one parking space should be provided.
12. No on-site parking is available for existing residents of the host dwelling, which is in multiple occupation, and none is proposed in relation to the proposed accommodation. Whilst the appellant suggests that any future occupiers would be

likely to work locally and use public transport, no mechanism is before me to secure the dwelling as 'car-free'. There can be no guarantee therefore, that any future occupier would not have a car.

13. The Highway Authority indicates that Carnarvon Road is already subject to a high degree of on-street parking along both sides of the carriageway, which restricts the road to a single lane width at times, in the vicinity of the appeal site. That is contested by the appellant.
14. At the time of my visit, in the middle of the day, there was plenty of space to park on the street. I recognise, however, that during the evening and at weekends, demand is likely to be much greater. I have no reason to question the picture suggested by the Highway Authority in this regard. Whilst properties further down the road do have on-site parking, the properties in the vicinity of the appeal site, including No 12, have no on-site provision. I am in no doubt therefore, that at times of peak demand, unrestricted parking along both sides of this narrow street could have a detrimental impact on highway safety. Increasing that demand, even if only by one vehicle, would unacceptably exacerbate that harm, given the congested context. There would be conflict therefore, with policy ST1(a) and (c) and policy HG5 of the Ashfield Local Plan Review (2002), which together and among other things seek to ensure that new development is not detrimental to highway safety. There would be conflict too with paragraph 116 of the National Planning Framework (December 2024),¹ which confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

15. I have found that the restricted nature of the accommodation proposed means that future occupiers would not be provided with acceptable living conditions in terms of both the quantum of internal floor space and the absence of any useable private outdoor amenity space. In addition, the lack of any on-site parking provision has the potential to increase the demand for on-street parking in the vicinity of the appeal, with consequential harm in terms of highway safety. The harms that I have identified, bring the proposal into conflict with the development plan, with supplementary design guidance and with national policy. In the absence of any material considerations that lead me to a different view, I therefore conclude that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR

¹ Paragraph 115 in the previous December 2023 version, as referred to in the related reason for refusal.