



Appeal Decision

Site visit made on 10 March 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/W4705/W/24/3356341

Furnace Inn, 362 Bowling Back Lane, Bradford, BD4 8ST

- 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 Mr N Iqbal against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/02754/FUL.
 - The development proposed is part change of use of first floor to HMO (C4) and installation of cycle store.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for the future occupants of the development, with particular regards to communal space, noise and disturbance, light and outlook.

Reasons

3. The proposal would create a four-bedroom House in Multiple Occupation (HMO) for up to six occupants. However, I note that the appellant intends to rent out the rooms to only four occupants, and this level of occupancy could be secured by a condition.
4. The property would have a shared kitchen and bathroom. However, due to its modest size, the kitchen could be cramped if all of the occupants were to use the room at the same time. There would be no other shared living area.
5. Further to this, the proposal would not provide any private outdoor space and the physical constraints of the site make the provision of any private outdoor space unfeasible. Consequently, the lack of any meaningful communal amenity space would be detrimental to the living conditions of the future occupants.
6. The appellant states that the proposal complies with the Council's HMO licensing standards, including in relation to shared communal spaces. Even so, compliance with licensing standards does not automatically mean that planning permission should or will be forthcoming as licensing and planning legislation are separate.
7. The ground floor of the building currently contains a blinds shop and a workshop. While the shop may not be open during unsociable hours, I have no details before me with regards to the hours of operation of the workshop, when deliveries are received and what time employees of the shop and workshop arrive and leave the

premises. Moreover, the buildings immediately surrounding the appeal site have a mix of industrial and commercial uses, and the hours of operation of these buildings and the resultant noise levels are unknown. These surrounding buildings could have the potential to cause noise and disturbance to occupants of the HMO. It has therefore not been demonstrated that the living conditions of the future occupants of the proposal would be acceptable in terms of noise and disturbance.

8. The submission of a noise survey could be secured by a condition. However, in the event that any noise mitigation measures are required, the appellant could only control the implementation of any mitigation measures at the appeal site. Any noise issues concerning the surrounding buildings would fall outside the control of the appellant, and as such a noise survey condition would not be sufficient to prevent any harm in this regard.
9. Planning permission exists for a two-storey side and rear extension¹. No substantive details of this approved extension have been provided. However, the appellant states that, if built, the extension would “block the windows to the rooms and circulation area” which would “compromise the living standards of the tenants”. Even if the appellant no longer intends to build this extension, I am not aware of any mechanism that is in place to rescind the permission. As such the planning permission remains extant and could in theory still be built.
10. It is not clear which windows would be blocked by the extension however a bedroom, the kitchen, bathroom and a storeroom would all have rear-facing windows. While the bathroom and storeroom would not be habitable rooms, the blocking of the bedroom and kitchen windows would result in a complete loss of light and outlook for the users of those rooms.
11. For these reasons, the proposal would cause unacceptable harm to the living conditions of future occupants of the HMO. The proposal would therefore conflict with Policy DS5 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (DPD), which requires development proposals to not harm the amenity of prospective users and residents.
12. Although Principle 3.5 of the supplementary planning document Homes and Neighbourhoods: A Guide to Designing in Bradford (2020) states that all homes must have direct access to private outdoor space, DPD Policy HO9 allows for private outdoor space to not be provided if site constraints make it unfeasible. As described above, the physical site constraints would make the provision of private outdoor space unfeasible, and as such there would not be a conflict with DPD Policy HO9.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR

¹ Planning application ref. 24/01117/FUL