



Appeal Decision

Site visit made on 2 June 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2025

Appeal Ref: APP/W4705/W/25/3362432

18 Lumb Lane, Bradford, BD8 7QP

- 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 Mohammed Imran of Femina Housing Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/04373/FUL.
 - The development proposed is change of use from offices to HMO.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. It was apparent from my site visit that the appeal building, which is Grade II listed, and is located within the Eldon Place Conservation Area, comprises a large dormer window and 3 roof lights, none of which are shown on the submitted floor plans. There is also a ground floor door on to Hallfield Road, which is shown as a window on the submitted and proposed plans. Comments on the door and roof windows not shown on the plans were sought from both main parties.
3. The appellant advised that the building was purchased in its current form and confirmed that there are errors on the plans in relation to external windows and doors. The Council advised that previous planning and listed building consent applications, to change the use of the appeal building from residential to office use, did not include any external changes. I am also advised that consultee responses to the previous applications raised the matter of unauthorised windows. I have not been advised that any further action was taken regarding this matter, or whether any view was taken by the Council as to whether any harm had been caused to any designated heritage assets, or as to whether it would be expedient to take enforcement action to remedy any breach of planning control.
4. Although the appellant offered to submit amended drawings, I must determine the appeal based upon the same information that the Local Planning Authority made its decision, and on which interested parties were notified of, and were able to comment upon at the application stage. Altering the submitted floor plans to show the roof windows as they currently exist and the door to window change, would not alter the fact that some of these may be unauthorised and require planning and listed building consent, which was not originally sought.
5. I acknowledge that the construction of the dormer window and the installation of roof lights may have been undertaken some time ago and by a previous owner. However, as listed buildings do not benefit from permitted development rights or immunity from enforcement action, I cannot be certain that they are authorised

development or that their future retention is guaranteed. However, the unauthorised UPVC windows at basement and first floor level do not affect my determination of the appeal as any enforcement action against these would simply result in the windows being replaced with different ones, as the openings themselves appear original.

Main Issues

6. The main issues are i) the standard of internal living space for occupiers of the House in Multiple Occupation (HMO) and ii) the living conditions of nearby residents, with regard to noise and disturbance.

Reasons

Standard of internal living accommodation

7. The appeal property comprises a substantial building located on the corner of Lumb Lane and Hallfield Road. It is at the end of a terrace of mid nineteenth century dwellings, albeit the information before me suggests it was last used as offices. It is proposed to change the use of the building from offices to a HMO.
8. Whilst I have not been advised of the maximum number of people that would occupy the HMO, the submitted plans show 9 bedrooms (some of which may be large enough for more than 1 person), 3 bathrooms, 2 kitchen areas, a communal living space, an office, and a store, spread over 4 floors. The application states that no internal or external changes to the building are proposed. However, it appears that the existing roof windows relied upon to provide habitable rooms with natural light and ventilation, are not authorised, and one of the windows shown on the plans is a door, which would require consent to be replaced with a window.
9. As listed buildings do not benefit from permitted development rights or immunity from enforcement action, I am unable to take account of any potentially unauthorised works which are relied upon to make the use acceptable. On this basis, I cannot be certain that any of the second-floor rooms would have windows providing natural light and ventilation. Likewise, I cannot be certain that the ground floor bedroom, which currently has a door onto Hallfield Road, would have a window, providing natural light and ventilation.
10. Bath and shower rooms are only shown on the upper two floors and in the basement. There is no toilet facility or bathroom on the ground floor for convenient use by the occupiers of the two large ground floor bedrooms or the communal or office space, which is not ideal in a HMO shared by a large number of unrelated individuals. However, I accept that such matters are controlled by licencing and housing standards, and I have not been advised that these would not be complied with. I note that the basement bathroom would have no window and any rooflight to the second-floor bathroom may be unauthorised. Whilst windows are not always necessary in bathrooms, which are not habitable rooms, if mechanical ventilation/extractor fans are required instead, these may require listed building consent, and no details have been provided.
11. The front basement level kitchen has large windows on two sides, which protrude above the level of the adjacent footpaths thus allowing a reasonable degree of light into the room. Given that a large communal living room space is also

proposed at ground floor level, with two large windows, I am satisfied that overall, there would be a good standard of communal living space for future occupiers.

12. There is also a proposed second kitchen area in the basement, with no windows or external doors. As a kitchen is a habitable room, it would not be acceptable with no natural light or ventilation. Moreover, no details have been provided of any mechanical ventilation system in place of windows, which if required for licensing or building regulation purposes, may need listed building consent. This area may be better utilised as a utility room, pantry, freezer space or store, unless it could be knocked through into the adjoining room (subject to the relevant permissions being obtained) to create a larger kitchen or kitchen dining area, which would better serve the circulation space required for the 9 or more residents that would occupy the building, particularly as the communal room is on a separate floor.
13. The bedrooms are all of good size in terms of floor space, although no sectional drawing showing the floor to ceiling height of the rooms in the roof space has been provided to demonstrate that these rooms are of sufficient height. I acknowledge that an internal inspection of the premises could have been arranged, which I would have done had there been no other issues. I have not been made aware of any local authority standards that differ from the national HMO minimum room standards.
14. Although there would be no usable outdoor space for residents to use on site, there is a large public open space field with seating directly opposite the front door of the property that occupiers could utilise and enjoy. As such the absence of onsite external space would not in my view justify withholding planning permission.
15. The small, gated, cobblestone driveway/yard area between number 18 and the adjacent travel shop 18A, is not included in the red line boundary. I have not been advised if this is in the same ownership as the appeal property or how it is used. As such it is difficult to assess whether the use of this area would adversely affect occupiers of the ground floor bedroom, with windows facing onto this space, or whether it could be used to provide bin or cycle storage, details of which have not been provided, even though a 9-bedroom HMO would be likely to generate more waste than a standard family home or office use.
16. Whilst I appreciate that the appellant wants to help to get homeless people off the street, and considers that anything is better than that, these people still deserve to be housed in a safe and pleasant environment. A room without guaranteed natural light, ventilation or means of escape in the event of an emergency, and with poor access to basic facilities such as a toilet on the same floor, would do little to improve their mental health or wellbeing, and is simply not an acceptable standard of living for anyone.
17. I acknowledge that the Council has granted a HMO licence for 6 persons at the property and has indicated that this would be increased to 9 persons following the grant of planning permission. I have not been advised which bedrooms the licence granted relates to. I also note that the Housing Standards Environmental Health Officer is satisfied that the property is in a very good condition. This view would of course have been taken with the unauthorised roof windows being present and is unlikely to have considered the possibility of enforcement action requiring their removal.

18. I therefore conclude that although the use of the building as a HMO would be acceptable in principle, the current layout, and the uncertainty regarding the lawfulness of windows required to make the rooms acceptable, means that I cannot be certain future occupiers of the development would have a suitable standard of internal living accommodation.
19. The proposal would therefore fail to accord with Policies DS5 and H09 of the Bradford District Core Strategy Development Plan Document (the Core Strategy), which seek to ensure that new developments create safe and pleasant environments and that new homes are well laid out internally, providing suitable space, and rooms with adequate levels of daylight. It would also conflict with paragraph 135(f) of the National Planning Policy Framework (the Framework), which requires the delivery of high standards of amenity for future users of new developments.

Living conditions of nearby residents

20. The building is situated in a mixed-use area with commercial and community uses to either side of it on Lumb Lane. The adjoining property, 2 Hallfield Road, appears to be vacant with its front entrance door boarded up. Numbers 4-8 Hallfield Road appear to comprise flats, offices and other small commercial uses.
21. The existing approved use of the building as offices would generate comings and goings, albeit this would most likely be through the day and not into the evening. However, the maximum number of occupants living in the HMO could be controlled by a condition, and I note that the main and only entrance and exit to the building would be from Lumb Lane, with the door onto Hallfield Road being replaced by a window. As such there would be no disturbance to any future residential occupiers of the adjoining building on Hallfield Road.
22. Residents are unlikely to be creating any noise outside of the building given its lack of outdoor garden space and given that there is a large park directly across the road, which would be a far more attractive option for sitting outside in. Even if people did smoke or occasionally gather outside the front door, this would be unlikely to cause disturbance as there are no immediately adjoining residential premises along the Lumb Lane frontage, and the front of the site is in a busy area as opposed to a quiet residential street.
23. I therefore conclude that the proposed use would not result in harm to the living conditions of occupiers of nearby residential properties and would therefore accord with Policy DS5 of the Core Strategy, in so far as it seeks to protect the amenity of existing residents.

Conclusion

24. The use of the building as a 9 bed HMO would not be detrimental to occupiers of neighbouring properties. The proposed front kitchen would have adequate natural light and ventilation, and the lack of on-site external space is acceptable given the presence of public open space directly opposite the site. However, a number of the proposed bedrooms are reliant upon existing unauthorised roof windows, and the alteration of an existing external door to a window, all of which require planning and listed building consent. In the absence of such consents being applied for as part of the change of use application, and details of these works being submitted, I cannot be certain of their long-term future, and they cannot therefore be relied

upon to justify the suitability of the proposed change of use. I therefore also cannot be certain that future occupiers of the proposed HMO would all have suitable living standards. The absence of a ground floor bathroom or toilet and the proposed second kitchen area with no windows add to my overall concerns regarding the layout of the proposed HMO use.

25. For the reasons given above, the development conflicts with the development plan as a whole and other material considerations including the Framework do not indicate that the appeal should be determined other than in accordance with it. I therefore conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR