The Planning Inspectorate

Appeal Decision

Site visit made on 13 September 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/Z4718/W/22/3298281
21 Bath St, Huddersfield HD1 5BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Samuel Hemmings against the decision of Kirklees Council.
- The application Ref 2021/62/94460/W, dated 25 November 2021, was refused by notice dated 17 March 2022.
- The development proposed is the conversion of the basement level of an existing house, into a separate dwelling / residence. Including the formation of an increase lightwell and an associated carpark space within the garden of the original / host dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether the proposed development would provide acceptable living conditions for future occupiers with regard to outlook and levels of light; and

   - the effect of the proposed development on the character and appearance of the host property and area, including the Huddersfield Town Centre Conservation Area.

Reasons

Living Conditions

3. I acknowledge that the Council has not published specific design guidance relating to flat conversions or to residential outlook or light. I also appreciate that basement flats are a feature of many urban areas and given their nature, may well be more limited in terms of outlook and natural light than other forms of residential accommodation. Nevertheless, given that Policy LP24(b) of the Kirklees Local Plan Strategy and Policies, adopted 2019 (the Local Plan) and paragraph 130 f) of the National Planning Policy Framework (the Framework) require all proposals to provide a high standard of amenity for future occupiers, it is necessary to make a judgement on whether the proposed development would provide satisfactory living conditions in these respects.

4. The front bedroom and office windows and rear living area window would be at basement level, in close proximity to, and facing onto the enlarged lightwell that would be created to the front and the existing one to the rear. These are the only windows shown to be serving the proposed dwelling. This arrangement

would provide an undue sense of enclosure for occupants. The boundary wall to the front of the property would further restrict the outlook from the windows and exacerbate the sense of enclosure. As such, it is likely that the living accommodation would be an unduly oppressive space and would fail to provide acceptable living conditions for future occupiers with regard to outlook.

5. The bedroom and office to the front of the property would face generally north and the living area to the rear would face generally south. For the same reasons as set out above, I am not convinced that the proposed development would provide adequate levels of light for occupiers. Although the windows would allow some daylight and sunlight penetration, based on the submitted evidence, I am not persuaded that light would reach all of the living accommodation. This would be especially the case for the bedroom and office given their orientation, and the kitchen space given its location to the rear of the room and the size of the window that would serve this area. It is therefore likely that artificial light would be required for much of the day to undertake many of the usual household tasks.

6. I therefore conclude that, on the basis of the evidence before me, the proposed development would not provide acceptable living conditions for future occupiers with regard to outlook and levels of light. As such, the proposed development would conflict with the residential amenity requirements of Policy LP24(b) of the Local Plan and paragraph 130 f) of the Framework. It would also conflict with paragraph 125 c) of the Framework, which states that a flexible approach in applying policies or guidance relating to daylight and sunlight should be taken, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Character and Appearance

7. Bath Street is a residential street of mainly stone built terraced dwellings, with a more modern residential development opposite and at Roseda House which lies further along the street. The site is located within the Huddersfield Town Centre Conservation Area (the Conservation Area).

8. Based on the submitted evidence and my site visit observations, the significance of the Conservation Area in part derives from its architectural and historic interest associated with the development of Huddersfield including during the mid-Victorian era, and the evidence it provides of the architectural style and building techniques of the time.

9. While the engineering works required to create the enlarged lightwell may be of some scale, this would take place over a relatively short period of time. The lightwell would extend across quite a length of the principal elevation of the property. However, once complete, it would be below ground level, a reasonable amount of the front garden would remain, and it would not diminish the principal elevation. As such, the lightwell would not detract from the character or appearance of the host dwelling.

10. The lightwell would be visible when approaching along Bath Street from its western end given the sloping nature of the street. However, from most vantage points, the lightwell would not be prominent in the street scene due to the screening effect of the front boundary wall and the wall between the host dwelling and the neighbouring property at no. 19.

11. From the submitted evidence and my site visit observations, several of the properties on Bath Street have lightwells to the front. While a number of these are smaller than that proposed, there are examples of lightwells that take up a similar proportion of the frontage of the host property. The lightwell would not therefore appear as an incongruous feature in the street scape of Bath Street. I also observed basement windows with lightwells in nearby areas within the Conservation Area such as Fitzwilliam Street. The lightwell, while being wider than several of those that I observed, would not therefore be an uncharacteristic feature of the wider area.

12. A concern about precedent is raised by the Council in its Officer Report. However, each proposal must be considered on its own merits, with its acceptability being dependant on its individual circumstances.

13. I conclude that the proposed development would not harm the character and appearance of the host property or the area, and it would preserve the character and appearance of the Conservation Area. Consequently, it would accord with the design and heritage objectives of Policies LP24(a) and LP35 of the Local Plan and chapters 12 and 16 of the Framework.

Other Matters

14. The submitted evidence demonstrates that the Council can demonstrate a five year supply of deliverable housing sites, taking account of under-delivery since the Local Plan base date and a 5% buffer. The 'presumption in favour of sustainable development' at paragraph 11 d) of the Framework is not therefore engaged. Nevertheless, the proposal would make a small contribution to the supply of housing, consistent with the Government's objective to significantly boost the supply of homes, in a location within the town centre and close to public transport. In addition, it would provide a type of accommodation identified in the 2016 Kirklees Strategic Housing Market Assessment as being required in the area. However, given that the proposal is for one dwelling, these benefits would be relatively limited and as such have limited weight.

15. I note that the appellant also refers to the development plan policy and elements of the Framework which relate to making efficient and effective use of land and buildings, which they contend would be achieved via the scheme. Be that as it may, even were the development proposed acceptable in all other respects, that would be neutral in my determination of the scheme rather than weighing positively in favour of allowing the appeal.

Conclusion

16. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR