Planning Inspectorate

Appeal Decision

Site visit made on 18 March 2025

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/Z4718/W/25/3358977
129 Trinity Street, Huddersfield HD1 4DU

- 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 Allan Scholefield against the decision of Kirklees Metropolitan Council.
- The application Ref is 2024/62/91262/W.
- The development is change of use and alterations to existing student accommodation to form 2 self-contained flats and 5 bedroom HMO.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The change of use and alterations has been completed and is currently occupied. I observed the changes to accord with the plans before me. I have considered the appeal on this basis.

3. The appeal site is located within the Greenhead Park/New North Road Conservation Area (CA) and close to a number of listed buildings. The proposed changes to the external appearance of the property are restricted to the installation of a window on the south-eastern elevation which is in place and is not prominent from public views. This window is small in scale and reflects the appearance of existing windows. The Council has not raised any concerns with the effect of the development on the designated heritage asset. I agree and find that the character and appearance of the CA is preserved and that there would be no harm to the setting of the nearby listed buildings.

Main Issue

4. The main issue is whether the development would provide adequate living conditions for existing and future occupiers, with particular regard to internal living space, daylight and outlook.

Reasons

<u>Internal living space</u>

5. The appeal site is a four-storey stone built property which fronts onto Trinity Street at the junction with Vernon Avenue. The property has amenity space to the front. The surrounding area comprises dwellings of similar design.

6. Planning permission was granted in 2012 for the change of use to convert the dwelling into a house of multiple occupation (student accommodation). The

development is for two flats (Use Class C3) and a 5 bedroom HMO (Use Class C4) which includes two studios with kitchenette (no cooker) and ensuite. In addition to the shared communal space and bathrooms there is a reading room, which I observed was used for storage.

7. The Nationally Described Space Standards[1] (NDSS) sets out requirements for the Gross Internal (floor) Area of new dwellings and key dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. Although the Kirklees Local Plan Strategy and Policies (2019) (LP) does not include policies relating to the NDSS they are referenced in Principle 16 of the Kirklees Housebuilders Design Guide Supplementary Planning Document (2021) in relation to new homes. The supporting text explains that occupants must have sufficient space within their homes to be able to carry out day to day activities. They are therefore a material consideration to which I attribute moderate weight.

8. I observed that one of the bedrooms of Flat 2 is currently used as an office, however it is shown on the submitted plans as a two-bedroom, 4 person dwelling. The floorspace of this flat is shown on the plans as 48.7sqm which falls well below the requirements of the NDSS of 70sqm. The appellant has suggested that the use of the flat could be restricted to a one bedroom flat. However, a draft condition has not been submitted and therefore I am unable to conclude that such a condition would be reasonable, precise and enforceable.

9. Both Studios 1 and 2 fall well below the minimum requirement of 37sqm set out in the NDSS, but meet the required floorspace of 11.5sqm as bedrooms. Although these units have a kitchenette they do not have a cooker. However, the occupiers also have access to the shared living room and kitchen area in order to prepare meals and for relaxing. I therefore consider that Studios 1 and 2 would provide adequate floorspace as bedrooms within a HMO.

10. Bedroom 3 of the HMO is located in the property's roof space. No section drawings have been provided showing the usable floor space within this room. I observed that whilst there is some full headroom height, the ceiling joists impact on the overall space and ability to move around the room. Therefore, in the absence of detailed drawings I am not satisfied that there would be adequate usable floorspace in this room.

11. Based on the evidence before me, Flat 2 and bedroom 3 of the HMO do not meet the minimum floorspace requirements of the NDSS. Therefore, existing future occupiers would be exposed to a poor-quality internal living environment that would impact negatively on their living conditions.

12. Consequently, the scheme does not provide adequate living conditions for existing and future occupiers, with particular regard to internal living space.

13. The appellant puts forward that the high ceilings enhance the sense of space in these rooms. However, this does not overcome the lack of usable floorspace, for occupiers to move around and the provision of sufficient storage space.

[1] "Technical housing standards – nationally described space standard" issued by the Department for Communities and Local Government on 27th March 2015

Daylight and outlook

14. Flat 1 is located in the basement and has a window opening in the kitchen area, located on the side elevation of the property, with another serving the bedroom to the rear. I observed that even with the door fully open on a sunny day that the habitable space within this flat received limited natural daylight. Furthermore, due to the position of the windows partly below ground level, this flat would have limited outlook. Therefore, the development results in an unsatisfactory internal living environment for the flat's occupiers.

15. The only windows serving bedroom 3 of the HMO are rooflights located high in the roofline. Due to their location and angle, views out of the rooflights would be restricted. This, in my view, severely limits the outlook from the bedroom. The new window which has been installed in one of the bedrooms of Flat 2 looks onto the gable end of 127 Trinity Street and therefore would have limited outlook directly towards this wall. Therefore, the restricted outlook of these rooms results in an unsatisfactory internal living environment for occupiers.

16. Consequently, the development does not provide adequate living conditions for existing and future occupiers, with particular regard to daylight and outlook.

Overall

17. Flat 1 does not provide adequate daylight and outlook. Flat 2 fails to provide adequate living space and outlook. HMO bedroom 3 fails to provide adequate internal living space and outlook. Therefore, overall, the development fails to provide adequate living conditions for existing and future occupiers, with particular regard to internal living space, daylight and outlook. It thereby conflicts with Policy LP24(b) of the LP, which amongst other things seeks to ensure that proposals promote good design which provides a high standard of amenity for future occupiers.

Conclusion

18. The development would provide accommodation which meets local housing demand. However, it would fail to provide adequate living conditions for existing and future occupiers. These harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.

19. 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.

20. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR