



Appeal Decision

Site visit made on 3 January 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/R4408/W/23/3323511

4 Springfield Place, Barnsley S70 6HJ

- 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 Ben Shufflebottom against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0616, dated 10 June 2022, was refused by notice dated 5 December 2022.
 - The development proposed is erection of 3 storey side/rear extension to form HMO 6 person and associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by Government on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

3. The main issues are:
 - whether the appeal scheme would secure acceptable living conditions for future occupiers of the development with particular regard to shared internal space and outdoor amenity space, and
 - the effect of the proposal on the character of the area with particular regard to the number of Houses in Multiple Occupation (HMO) in the area and the living conditions of neighbouring occupiers.

Reasons

Living conditions of future occupiers

4. The proposed extension would have a similar external appearance to a previous approval for an extension to create 2 flats, with the exception of the addition of rooflights. However, the appeal proposal is for a 6 person HMO.
5. The South Yorkshire Residential Design Guide 2011 (SYRDG) contains guidance for minimum internal space standards. The internal shared amenity space of

the proposed HMO would fall below the minimum standard in this guidance. The appellant contends that the internal space standards do not apply to HMO's. Whilst I agree that the proposed HMO does not fall directly into the dwelling house categories in the SYRDG, they do provide useful guidance for the appropriate size of shared indoor and outdoor amenity space.

6. Guidance in the Design of Housing Development Supplementary Planning Document (SPD) indicates that in the case of HMOs they should have a shared lounge and shared dining room with a garden of at least 60 square metres. Whilst this guidance refers to conversions of buildings to HMOs I consider that it is appropriate for new build developments in order that they provide appropriate living conditions for future occupiers.
7. The proposal includes one area of shared internal amenity space to serve as a kitchen/dining room with a small area of storage space and no additional area for a shared lounge. The proposed kitchen/dining room would not be of a sufficient size to accommodate up to six people preparing and eating food and relaxing at the same time.
8. I consider that as the standards set out within the SPD and SYRDG represent minimum standards, in this case, the level of shortfall would be unacceptable and lead to unsatisfactory living conditions for future residents.
9. In addition, the proposal does not provide private amenity space and only limited shared outdoor space. Whilst there are areas of green space within walking distance of the appeal site, these do not provide private space for the occupiers for activities such as drying washing and immediate access to outdoor areas. This lack of outdoor space would therefore harm living conditions of future occupiers. Whilst this is similar to the previous approval for 2 flats in terms of amenity space, I have to have regard to the application before me.
10. I conclude that the proposal would not secure acceptable living conditions for future occupiers of the development with particular regard to shared internal space and outdoor amenity space. It would conflict with Policies GD1 and D1 of the Barnsley Local Plan (2019) which together amongst other matters seek to ensure that developments are appropriate in terms of the living conditions of future residents. It would also conflict with the guidance in the SPD and the SYRDG.

Character of the area

11. The appeal site is in a predominantly residential area with a mix of HMOs, flats and family housing. There is no evidence before me relating to noise or other complaints or to the number of HMOs in the area. It is likely that the proposed increase in occupiers over and above that allowed by the previous approval would have a limited impact on neighbouring occupiers in terms of noise and disturbance.
12. I conclude that the proposal would not harm the character and appearance of the area with particular regard to the number of HMOs in the area and the living conditions of neighbouring occupiers. It would comply with Policies GD1 and D1 of the Barnsley Local Plan (2019) which together amongst other matters seeks to ensure that developments do not have a significant adverse

effect on the living conditions of neighbouring occupiers. It would also comply with the guidance in the SPD and the SYRDG.

Other Matter

13. I have had regard to the previous appeal decision¹. The circumstances are not directly comparable as in that case outdoor space was provided by balconies and the Inspector considered that there was adequate shared indoor space provided. In any event I have determined the appeal on the site-specific circumstances of the case.

Conclusion

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

H Senior

INSPECTOR

¹ APP/R4408/W/21/3280715