



Appeal Decision

Site visit made on 26 January 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/R4408/W/21/3280715

46 Sheffield Road, Barnsley S70 1HS

- 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 Aziz Khan against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0454, dated 29 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is the conversion of first floor flat to HMO and alterations to ground floor offices.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of first floor flat into house in multiple occupation, alterations to ground floor offices and external alterations including provision of first floor balcony to rear, at 46 Sheffield Road, Barnsley S70 1HS, in accordance with the terms of the application, Ref 2021/0454, dated 29 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Floor Plans, Drawing No: MS/101/20-02 A; Elevations, Drawing No: MS/101/20-03.
 - 3) The development hereby permitted shall not be occupied by more than three persons at any one time.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, a more accurate description is included in the decision notice and appeal form thus I have used it in my decision.
3. At the time of my site visit the property was undergoing renovations. I note that the work being carried out on site does not directly correlate with the submitted plans, namely two windows have been inserted adjacent to the balcony doors in the living room and bedroom No 3. I will address this matter below however, for clarity and in the interests of fairness, I have considered this appeal based on the plans submitted to the Council and on which it determined the planning application. Any discrepancies between the plans and what has been undertaken is for the main parties to resolve as necessary.

Main Issue

4. Whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to the provision of internal and external space, outlook and light.

Reasons

5. The appeal building is a two storey property, with commercial uses on the ground floor and residential above. The site is located within a mixed-use area within close proximity to Barnsley town centre.
6. The size of the proposed kitchen and en-suite bathrooms would fall short of the internal spacing standards recommended in the South Yorkshire Residential Design Guide (2011) (the RDG). However, I note that the proposed house of multiple occupation does not fall directly into any of the dwelling size categories specified in the RDG.
7. It is also suggested that the external amenity space would fail to comply with the standards set out in the Supplementary Planning Document, Design of Housing Development (May 2019) (the SPD). The proposed shared balcony would, however, provide useable space for future residents and would exceed the recommended standard for a balcony in the SPD. There is also an additional balcony serving bedroom No 3 and a further generous outside area to the rear of the building, which could also provide adequate storage for bicycles.
8. The SPD notes that full compliance with the standards is expected in predominantly residential areas whereas they may be slightly relaxed in town centre situations/higher density areas. I am also mindful that the RDG and SPD do not have the status of development plan policy and therefore should be applied as guidance. Therefore, even if the room sizes may fall short of the arithmetic calculations of the guidance, I note that they would nevertheless be of a sufficient size to accommodate all essential kitchen and bathroom amenities. Furthermore, having regard to the limited number of residents proposed, the site's location close to the centre of Barnsley and the use of an existing building, the size and arrangement of the living space would be acceptable.
9. The Council are also concerned that bedroom No 3 and the shared lounge would only be served by a door which would limit outlook and light and restrict the ability to ventilate the rooms. On site I observed that both balcony doors were glazed to the upper sections and had an openable window above them, and a window had been installed adjacent to both doors. As a result, both rooms were light and airy and had a good, open outlook. There is nothing before me to indicate that this arrangement would change.
10. Nevertheless, it is important I consider the proposal based on the information that was submitted to the Council. The doors would be glazed with a fanlight above and sidelight to one side, as indicated on the submitted plans and confirmed in the appellant's evidence. In a similar way to the doors which have been installed, this design would provide future residents with a sufficient outlook, good levels of light and natural ventilation.
11. Taking all the above into consideration, the proposal would be a good quality conversion that would be fit for purpose in terms of internal and external

space, light and outlook, and would therefore provide satisfactory living conditions for future occupiers. Notwithstanding some technical calculation breaches, it would accord with the overall collective aim of the SPD and RDG and Policy GD1 of the Barnsley Local Plan (January 2019) which is to ensure that developments are appropriate in terms of the living conditions of future residents.

12. Policy D1 is referenced within the Council's decision notice. Whilst it refers to high quality design in general terms, policy GD1 is of principal relevance in terms of living conditions or amenity.

Conditions

13. Conditions specifying the time limit and approved drawings are necessary to provide certainty, and a condition limiting the maximum number of residents is also necessary to ensure satisfactory living conditions of future occupiers.

Conclusion

14. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed.

H Ellison

INSPECTOR