



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 9 DECEMBER 2010

Subject: APPEAL AND APPLICATION FOR COSTS DECISION – FOR RETROSPECTIVE APPLICATION FOR ALTERATIONS TO FORM BED-SIT FLAT TO LEVEL 14 STAIRWELL TO RESIDENTIAL BLOCK AT WEST POINT, WELLINGTON STREET, LEEDS, LS1 4JY

Electoral Wards Affected:

City & Hunslet

No Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members to Note the Appeal Decision

1.0 INTRODUCTION

- 1.1 Appeal against the refusal of retrospective planning permission for a bed-sit flat at Level 14 Stairwell of Block C, West Point, Wellington Street, Leeds, LS1 4JY
- 1.2 Planning permission was refused under delegated powers on 6 April 2010 for the following reason:

“The Local Planning Authority considers that due to the limited internal floorspace and nature of the unit, that the completed development is an over-development of previously void space above the lift core of Block C of the building. The Local Planning Authority considers that the lack of internal space within the development causes significant detrimental harm to the living conditions and residential amenity of current and future occupiers of the unit which is exacerbated by the fact that the bed is on a bed deck which reduces the volume of the property still further, there is no storage space and the single window is a non opening light which requires mechanical ventilation. This is considered contrary to policies GP5 and BD5 of the Leeds Unitary Development Plan (Review 2006) and national planning guidance contained within Planning Policy Statement 3: Housing and Supplementary Planning Guidance 6: Development of Self Contained Flats.”

1.3 The appellant also made an application for a full award of costs.

1.4 The appeal was dealt with by written representations.

2.0 KEY ISSUES

2.1 The Inspector identified the main issue in the determination of the appeal as being whether the use of a previously void space as a 'micro-pad' (or bed-sit flat) affords satisfactory living conditions for current and future occupiers.

2.2 In the case for a full award of costs against Leeds City Council, the Inspector made clear that costs should only be awarded against any party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3.0 SUMMARY OF COMMENT

3.1 The appeal related to the retention of a self contained bed-sit flat constructed without planning permission within the existing residential apartment block in 2008. The bed-sit is located above the existing lift shaft of the building and is accessed by 3 steps from a small lobby off the top of the stairwell. The bed-sit flat has a floor space of approximately 13sqm incorporating combined living/sleeping/kitchen area. The bed-sit consists of a permanent bed deck over the level 13 stairwell, kitchenette area and a separate en-suite shower room. There is a single non opening window therefore ventilation is via mechanical means.

3.2 The appellant suggested that the floor space of the open plan/living/sleeping/kitchen area and en-suite bathroom to be 15.75sqm. This is how the flat appears on plan, but as the deck (that acts as a bedstead) had been constructed over the slope of the stairwell, the void space underneath this could not be used. The Inspector therefore agreed with the Council that the *useable* floorspace of the flat was approximately 13sqm.

3.3 Leeds City Council's Environmental Health, Housing Regulation Team and Building Control Departments did not offer formal objections to the development. The Inspector stated this was because the flat appeared to meet minimum floorspace standards to which those departments work. The Inspector confirmed that the Local Planning Authority is not duty bound to follow such advice whereby departments work to separate policy framework and legislation, and agreed the decision was based upon the professional views of Planning Officers.

3.4 The Inspector stated that the flat did not meet day to day living standards required for a permanent residential unit and concluded that the storage space provided within the flat was inadequate. The Inspector considered that the flat was not of a sufficient size to offer adequate storage *and* seating for even a single occupier.

3.5 The suggestion by the appellant that the flat offers affordable, functional accommodation within the city centre was dismissed by the Inspector as the development was not considered affordable as defined by PPS3: Housing. The Inspector stated that the development could not be justified on the basis of assumptions regarding circumstances of occupiers.

4.0 DECISION

Appeal

- 4.1 The Planning Inspectorate dismissed the appeal against refusal of planning permission for the retention of the bed sit flat by letter dated 9 November 2010.
- 4.2 The Inspector agreed with the Council's view and concluded that the micro-pad flat fails to provide satisfactory living conditions for the existing and future occupiers, as a result of its size and layout. Therefore the application was considered by the Inspector to be contrary to national planning policy PPS3: Housing and local planning policy in the form of BD5, GP5 and Supplementary Planning Guidance: Development of Self Contained Flats.

Costs

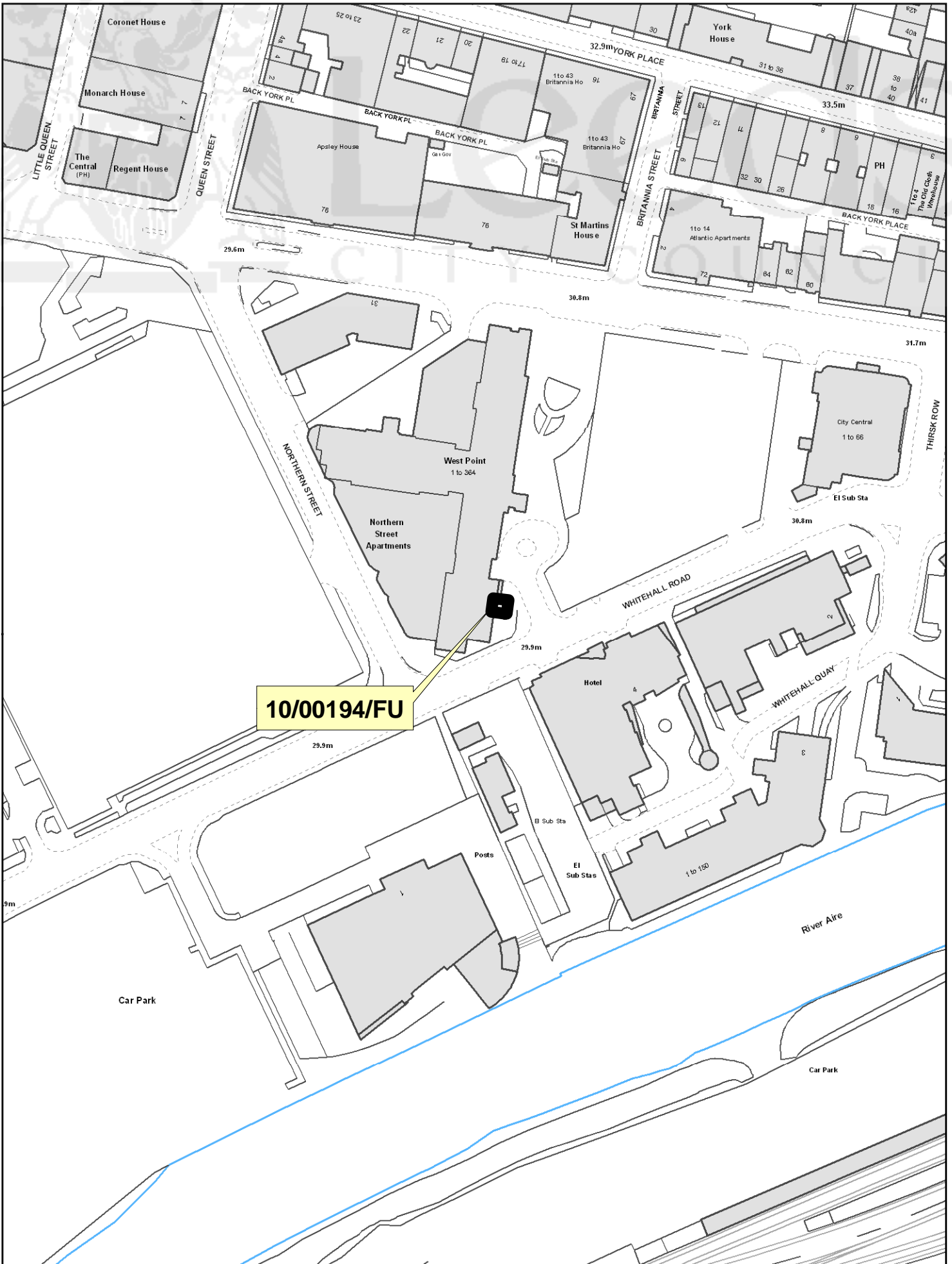
- 4.3 The Planning Inspectorate also dismissed the appellant's application for a full award of costs by letter of 9 November 2010.
- 4.4 The Inspector concluded that the Council had not prevented or delayed development when the flat was completed before the application was made. Un-reasonable behaviour resulting in unnecessary expense as described in circular 03/2009 had not been demonstrated and a full award of costs was not justified.

5.0 IMPLICATIONS FOR COUNCIL

- 5.1 The appeal decision offers guidance for the determination of current and future applications of a similar nature. It demonstrates that insufficient and/or poorly arranged floorspace due to inadequate seating and storage facilities give rise to unacceptable living conditions, even where the minimum space standards used by the Council's Environmental Health, Housing Regulation Team and Building Control Teams are met.
- 5.2 All similar cases will continue to be dealt with on their individual merits. However it will be beneficial for officers to monitor such applications to maintain a consistent approach and to establish if any further supplementary guidance or a shift in local policy is appropriate.
- 5.3 The Inspectorate's decision brings in to question as to whether the council should adopt minimum space standards. Such standards are being introduced in London by the London Housing Design Guide (Interim Edition August 2010). Meeting the standard will be mandatory for homes receiving social housing funding from April 2011, but ultimately all homes will be affected by the guidance as Mayor Boris Johnson intends to incorporate the guide in the London Plan.
- 5.4 National policy PPS3 – Housing, Local policies GP5, BD5 and Supplementary Planning Guidance 6: Development of Self Contained Flats provide the policy framework in which to determine applications whereby living conditions are a key material planning consideration.

Background Papers

Application file: 10/00194/FU



10/00194/FU

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