



## Appeal Decision

Site visit made on 30 August 2022

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 October 2022

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**Appeal Ref: APP/G4240/W/22/3299182**

**Clarence Hotel, 195 Talbot Road, Hyde SK14 4HJ**

- 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 Suban Miah of Aventor Real Estate Ltd against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 21/00826/FUL, dated 28 June 2021, was refused by notice dated 18 November 2021.
  - The development proposed is residential development.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development above is taken from the application form. Nevertheless, it is clear from the submissions and plans that the proposal is for the change of use from public house to residential development, comprising 3 x 2 bedroom flats and 2 x 1 bedroom flats. The Council assessed the scheme on this basis and the plans listed on the decision notice, and I have done the same.

### Main Issue

3. The main issue is whether the living conditions of the future occupiers of the proposed development would be acceptable, with regard to internal space, access, outlook, daylight/sunlight and ventilation.

### Reasons

4. The appeal site is a two-storey former Public House. The main entrance fronts onto Talbot Road. The property comprises the public house use on the ground floor and a residential flat above. There is enclosed parking and a yard to the side and a yard leading to an enclosed raised beer garden to the rear.
5. The proposal is for three flats on the ground floor and two flats on the first floor. Flat 3 would be accessed from the existing entrance on Talbot Road. The main access for the remaining flats would be from the rear, albeit walking from Talbot Road, through the yard to the side of the property, to the rear.
6. While it may be that access to flats from the rear is not uncommon, and it would be well signposted, the proposed access arrangement would result in poor legibility, with two accesses from Talbot Road for the same property likely to cause confusion. The configuration appears disjointed, particularly for the occupants of Flat 3, accessed directly from Talbot Road with no access through

the property to the rear. As such, the occupants would have a limited relationship with the shared amenity space at the rear. Moreover, without the natural surveillance of the street, the proposed access for the occupants of Flats 1, 2, 4 and 5 would result in reduced security, being as it is at the rear of the property and accessed through an enclosed yard.

7. I understand that during the course of this appeal, permission has been granted at the site for a scheme of four flats. However, the access is different, with the primary access for all flats being from the existing access on Talbot Road, through a central lobby. As such, the appeal proposal, with two accesses and no route through the property for the occupants of Flat 3 would not be as legible.
8. As the plans show bathrooms, both 1 bed flats meet the Nationally Described Space Standards for 1 person occupation. The Council have not clearly substantiated their reasons for applying the 2 bedrooms 4 persons standard. Given that the size of the flats, and as confirmed by the appellant, I have assessed the remaining flats against the 2 bedroom 3 person standard. Accordingly, Flat 1 and Flat 4 provide adequate space. However, Flat 5 falls short of the advised national standard for 2 bedrooms and 3 persons. While not adopted as part of the development plan, no other standards to assess the appropriateness of the internal space have been put to me.
9. Irrespective of the precise amount of floor space, overall, I find the proposed accommodation to be generally limited in size, leading to a cramped and claustrophobic environment. There may well be amenity space for residents to the rear and a number of open spaces in the surrounding area, however, the internal layout and configuration of the accommodation would be poor, indicative of the confined nature of the accommodation. Resulting in inadequate living conditions for the occupants.
10. The windows would not be unduly small in Bedroom 1 and the lounge/kitchen in Flat 1, however outlook would be poor, with the proposed windows looking onto an enclosed yard and boundary treatment at close range that would dominate the outlook. The window in the kitchen/lounge in Flat 2 is small with an uninviting outlook, looking as it would onto an enclosed yard with a blank wall providing limited views.
11. While most habitable rooms in new houses may well be single aspect, the position of the only window in Bedroom 1 in Flat 1 at one end of the room would result in poor daylight/sunlight levels. The kitchen/lounge in Flat 2 would be a long linear space with a small window at one end. As such, daylight levels would be poor, with a reliance on artificial light. Moreover, the window is north facing and as such the amount of sunlight entering the room would also be limited.
12. I note that the windows are in the same position for the recently permitted scheme at the site. However, the layout of that permission is different, with the rooms having different proportions to the appeal proposal, and as such, would not affect daylight/sunlight levels and outlook in the way that the proposal would. I also note the appellant makes suggestions regarding amending the number of bedrooms in Flat 5 and providing an extra window in Flat 2. However, I have assessed the proposal on the evidence before me. Moreover, I do not have clear details of the site, location or appearance of any extra windows so cannot be certain a condition would overcome my concerns.

13. There is no substantive evidence before me in relation to ventilation, and I note there was no objection from environmental health and that all habitable rooms have windows. Consequently, based on the evidence before me I am satisfied that appropriate ventilation could be achieved.
14. For the reasons given above, the living conditions of the future occupiers of the proposed development would be unacceptable, with regard to internal space, access, outlook and daylight/sunlight. This would be in conflict with Policy H10 of the Tameside Unitary Development Plan Written Statement (2004), which seeks the layout of proposed housing developments to be of a design that meets the needs of the occupiers.
15. The proposal is also contrary to the provisions of the National Planning Policy Framework (2021) (the Framework) in relation to design, including Paragraph 130 which seeks development that functions well and creates a high standard of amenity for existing and future users.

### **Other Matters**

16. It is not in dispute that the continued use of the site as a public house is not viable, and that character and appearance is not a main issue owing to minimal external alterations being proposed. The appellant asserts that appropriate highways and car parking can be secured at the site and there would be no detrimental effect on the amenity of neighbours, however the lack of harm on these matters would only be a neutral factor. The proposal makes efficient use of brownfield land in an accessible location, which would be a clear benefit of the proposal.
17. The Council has indicated that delivery of housing in the Borough is below their housing target. While it may be that the proposal will provide new housing for local people, even if paragraph 11(d) of the Framework (2021) fell to be considered for this, or any other reason, the adverse impacts associated with the substandard living conditions would significantly and demonstrably outweigh the benefits of the limited increase in supply in housing that would result, and the other benefits outlined above. Therefore, the proposal would not benefit from the presumption in favour of sustainable development set out in Paragraph 11 d(ii) of the Framework.

### **Conclusion**

18. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

*F Harrison*

INSPECTOR