



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 31.07.2023

Appeal reference: CAS-02527-L1R1R1

Site address: 4 Carlton Terrace, Mount Pleasant, Swansea, SA1 6AB

- 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 S Sahin LND Real Estate Ltd against the decision of the City and County of Swansea Council.
 - The application Ref 2022/2879/FUL, dated 9 December 2022, was refused by notice dated 16 January 2023.
 - The development proposed is conversion of residential dwelling into 6 flats (2x 1bed, 2x studio, 2x 2bed), rear extension on lower ground and ground floor and including external alterations.
 - A site visit was made on 4 July 2023.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the living conditions of future occupiers in relation to internal floorspace, natural light and outlook;
 - the effect of the proposal on highway safety, with regard to parking; and,
 - whether the proposal makes adequate provision for cycle and refuse storage.

Reasons

3. The appeal site is a mid-terrace four storey residential dwelling situated within a predominantly residential area on Carlton Terrace. The site and neighbouring buildings are a mix of three/four storey terraced properties. On-street parking is provided along Carlton Terrace.

Living conditions

4. The proposed development involves a rear extension on the lower ground and ground floor and the creation of 6 flats along with external alterations. Due to the sloping topography, the lower ground floor is set below pavement level to the front elevation with the rear elevation set at the garden level.
5. Swansea Local Development Plan (LDP) Policy PS 2 requires all proposals to ensure that no significant adverse impacts would be caused to people's amenity. Supplementary planning guidance (SPG) set out in Placemaking Guidance for Residential Development

(2021) provides further advice on minimum space standards and states that these will be used for residential conversions to assist in the consideration of whether living environments proposed are acceptable. The SPG also advises against single aspect flats due to solar orientation issues. In such cases, it recommends full height windows should be used to maximise natural lighting as well as the provision of daylight assessments to support proposals.

6. The SPG refers to two standards including the Welsh Development Quality Requirements (WDQR) for affordable homes. Nonetheless, although the appellant claims that the proposal addresses the need for affordable housing within Swansea, there is no mechanism before me to secure the units as affordable housing. I have therefore considered the proposal on the basis it seeks to provide open market housing, albeit aimed at low-income occupants.
7. The flats are aimed at varying levels of occupancy from single person to 3- and 4-person occupation. The Council have applied maximum occupancy levels; however, a planning condition would ensure control over occupation. The studio flats 3 and 4 would be small, nevertheless, they are intended for single occupation. The layout shows an area for cooking with a larger area for living and sleeping, and both would have large windows providing ample light, ventilation and outlook. Furthermore, based on single occupancy and with shower rooms, the studio flats, with around 37m² of floorspace would reflect standards in the Nationally Described Space Standards 2015 (NDSS) utilised for open market housing, also referred within the SPG. Flat 5 would be around 61m² and would have 2 bedrooms with one only being suitable for one person. Therefore, it would meet the floorspace standards set out in the NDSS. It would also have separate living and sleeping areas and is dual aspect with windows on front and rear elevations, providing sufficient outlook, light and ventilation. I find therefore that the internal layout and space provided by the development would not lead to an unusable, cramped or unpleasant living environment for its occupants.
8. However, flat 1 proposed at lower ground floor would be a single aspect flat, with the only natural light available for the main living space being via glazed doors set below ground level. This directly faces a wall with steps leading up to the pavement, which would result in an oppressive outlook for future occupants. A single window also below ground level is proposed for the bedroom of flat 1. Given the position of the steps leading to the lower ground floor and the existing pillar between the window and doors, natural light would be considerably restricted. No substantial evidence has been provided, such as a daylight assessment, to demonstrate that sufficient natural light would be achieved. As a result, flat 1 would be a dark and dismal place to live, resulting in a poor-quality living environment for its future occupants.
9. The appellant contends that the proposed development would utilise sustainable design and construction by providing far better insulation and efficiency in heating with the overall aim of reducing emissions. However, this should be a normal expectation of any development and is a neutral factor in the overall balance. This does not therefore alter my decision.
10. Notwithstanding that the internal living spaces are acceptable, I conclude that by reason of the limited natural light and poor outlook of flat 1 the proposal would have a harmful effect on the living conditions of future occupants, contrary to Policy PS 2 of the LDP and the objectives of the SPG.

Highway safety

11. LDP Policy T 6 requires proposals to be served by appropriate parking provision in accordance with maximum parking standards. Such standards are currently set out in the

City and County of Swansea Parking Standards Supplementary Planning Guidance (SPG) 2012, with the aim of ensuring sufficient parking space to avoid the need to park on street and thereby avoiding congestion and danger.

12. I saw that given the densely built-up environment, the demand for on-street parking in the vicinity of the site is high. Parking spaces for 4 cars are proposed to the rear of the property, where there is existing informal provision for parking. Justification is provided for the reduction of spaces using the Sustainability Appraisal at Appendix 5 of the SPG. The Council has referred to a requirement of 6 parking spaces for the proposal, noting that even in sustainable areas, parking provision cannot drop below one space per unit. Even so, such standards should be applied flexibly to the individual circumstances of a particular case.
13. The appeal property is currently a substantial dwelling that already generates its own parking demand. Whilst the proposal might intensify the residential use by creating individual self-contained units, the studio flats are small single occupancy units that would be attractive to low-income occupants unlikely to own a car. The sustainable location of the property very close to the city centre would also make it attractive to non-car owning households, whilst car dependent households such as families are likely to be deterred by the limited availability of parking and the density of development which is often associated with higher ambient levels of noise and disturbance. There is little evidence that distinguishes between likely parking demand for the proposal and existing parking demand from the dwelling. However, on balance, having regard to the existing use of the building and the nature of the accommodation proposed, I do not consider that the proposal would result in any material intensification in the existing demand for parking, or any consequential impacts on highway safety. I therefore find no material conflict with LDP Policy T 6, or the objectives of the SPG.

Cycle / refuse storage

14. Notwithstanding my findings above, the high demand for parking in the area means that secure and convenient cycle parking provision is particularly important in terms of choice of travel modes. Whilst it is stated that cycle parking would be provided for 8 cycles double stacked, the plans only show 4 cycles parked in a limited space. There are no detailed plans of the layout of the cycle storage area to demonstrate that it would be of sufficient size to enable 8 cycles to be conveniently accessed in practice. In the absence of this information and having regard to the limited outside space at the rear of the property which is largely taken up with parking and amenity space, I do not know whether a planning condition would achieve the required objectives. It would not therefore be appropriate to require such provision by these means. On the available information, I find therefore that the proposal would not make sufficient provision for cycle storage that would encourage or enable a choice of transport modes in accordance with the Active Travel principles of LDP Policy T 2.
15. It is indicated that waste collection and storage would be provided in a small courtyard area to the front of the property. Although it is stated that this is an existing waste collection area, no further details or layout plans have been provided to demonstrate that there would be sufficient space for waste, including recycled waste storage to serve 6 separate residential units. A planning condition in this respect would therefore not be appropriate. Given the limited space within the area to the front of the property and the position of the steps to the lower ground floor, I consider that there is a significant risk of waste overspilling onto the footway. This would have an adverse impact on the use of the footway and also the visual appearance of the area. As a result, the proposal would not provide for an attractive, safe and healthy environment or encourage recycling towards resource efficiency as required by LDP Policy PS 2.

16. I conclude that the proposal would not provide adequate cycle or waste/recycling storage for the scale of development proposed and would conflict with LDP Policies PS 2 and T 2.

Other Matters

17. The proposed development involves a rear extension to the property and other external alterations. I have considered the concerns raised by a third party in relation to the impact of the rear extension on their living conditions. The Council do not raise concern with these elements of the proposal and I find no reason to disagree.
18. The appellant suggests a condition to require approval of construction and design, however, in the interests of fairness, any material amendments to a scheme must be subject to the Council's decision-making process. Such a condition would not therefore be appropriate.

Conclusion

19. Whilst I have found that the proposal would not cause any material harm to highway safety, my finding on the other main issues are compelling reasons that have led to my decision. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns and villages even better places in which to live and work.

Zoe Baxter

INSPECTOR
