



## Appeal Decision

Site visit made on 27 June 2023

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> August 2023

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### Appeal Ref: **APP/F4410/W/23/3318427**

### **The Plant, Hexthorpe Road, Hexthorpe, Doncaster DN1 0BG**

- 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 AP Yorkshire Lettings against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/01232/FUL, dated 8 May 2022, was refused by notice dated 14 November 2022.
  - The development proposed is described as “the conversion of upper floors of building to create 6x apartments with associated works (resubmission of 21/03125/FUL, withdrawn on 12/01/22)”.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I observed during my site visit that the development has been carried out but does not accord with the plans submitted. The appellant has submitted revised drawings as part of this appeal, which address the amendments undertaken. As the Council and third parties have not had the opportunity to comment on the revised drawings, I cannot be certain that their interests would not be prejudiced if I were to accept them. Therefore, I have determined the appeal based on the plans submitted with the application to the Council and upon which the views of interested parties were sought.
3. The proposed development and associated description were amended during the course of the application process, including reducing the number of apartments from 7 to 6. I have therefore used the amended description agreed by both parties, confirmed in an email dated 9 September 2022.

### Main Issues

4. The main issues are:
  - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal space, and,
  - the effect of the proposed development on highway safety and on-street parking.

### Reasons

#### *Living conditions*

5. Policy 44 of the Doncaster Local Plan 2015-2035 Adopted September 2021 (LP)

seeks, amongst other things, to ensure that changes of use to housing create high quality residential environments through the adequate provision of internal living space and storage space.

6. In order to achieve these requirements, LP Policy 45 sets out the required housing design standards. In order to ensure homes are large enough for the intended number of inhabitants, this policy, amongst other things, seeks that all new housing should meet the Nationally Described Space Standard (NDSS) as a minimum.
7. LP Policy 45 further states that exemptions will only be considered where it has been robustly demonstrated, with appropriate evidence, that adhering to these standards is not feasible due to physical constraints, or it is not viable to do so. Furthermore, any deviation must be robustly justified and offset through exceptional or innovative design.
8. There is agreement between the main parties that apartments 3 and 6 comply with the NDSS. The floor areas of the other apartments fall below the NDSS by varying amounts.
9. The wording of LP Policy 45 is clear and requires development for new housing proposals to meet the NDSS as a minimum. Notwithstanding the fact the Council have not outlined specific concerns and the appellant has had to work within the constraints of the buildings shape and floorspace, since apartments 1, 2, 4 and 5 fall below the NDSS, they are not compliant with LP Policy 45. The appellant has confirmed that a case for viability, exceptional or innovative design has not been put forward.
10. It has been drawn to my attention that, although there is a shortfall, the apartments still meet the aims of local and national policy by providing fit for purpose, high quality housing. LP Policy 45 is consistent with the National Planning Policy Framework (the Framework), which seeks to create places with a high standard of amenity for future users. Consequently, the shortfall in the floorspace of apartments 1, 2, 4 and 5 is such that it would result in cramped living conditions for future occupiers of these apartments.
11. Even if I were to consider the submitted amended plans, the revised layout would also result in four of the apartments falling short of the NDSS and therefore the requirements of LP Policy 45. As a result, the revised layout would also result in cramped living conditions for future occupiers of those apartments.
12. For the above reasons, the proposed development would provide unacceptable living conditions for the future occupiers, with particular regard to internal space. This is contrary to LP Policies 44 Part B and 45 and the requirements of the Framework, as set out above.

#### *Highway safety*

13. Hexthorpe Road is located on a bus route within an area of mixed uses. It is within close proximity to the town centre of Doncaster, which includes a range of services, and both train and bus stations. There are parking restrictions within the immediate locality of the appeal site, and a number of defined on-street parking spaces. The road to the rear of the appeal site is free of parking restrictions. Not all properties within the locality have access to off-street parking provision.

14. LP Policy 13 Part A.14 requires, amongst other things, appropriate levels of parking provision to be provided within developments and departures to the specified standards may be justified on a case by case basis.
15. The railway line provides a physical separation between the appeal site and town centre. Although within close proximity, the appeal site lies outside of, and is physically separated from, the town centre.
16. Although there is dispute between the two parties regarding the number of future occupants, both agree that not all occupiers are likely to own a car. There is also the likelihood that additional parking demand would arise from visitors and deliveries to the site. Having regard to this and the proximity of the town centre, the Council confirmed a reduction in the required parking provision, from 9 to 8 spaces. The submitted scheme includes cycle parking but no off-street parking spaces. As a result, the proposed development would generate additional demand for on-street parking within the immediate area.
17. No substantive parking survey has been submitted as part of the appeal. Although only a snapshot in time, during a quieter part of the day, I did observe availability of on-street parking in the immediate and wider area. Further evening demand would be likely to come from residents returning home from work, although it has been drawn to my attention that this would be offset due to the closure of local businesses in the evenings and those businesses which run with fewer staff.
18. Moreover, I have been provided with little evidence that demonstrates parking pressure is so severe it could not safely accommodate the additional vehicles generated by the proposed development. The appeal site is close to the town centre and future residents would have a choice of transport modes, in addition to the private car.
19. For the reasons given above, the proposed development would not result in harm to highway safety and on-street parking. This accords with LP Policies 13 Part A.4 and 44 Part B.6, which seek, amongst other things, to ensure development provides appropriate levels of parking provision and would not impact negatively on the function of existing streets. It is also consistent with the Framework which, amongst other things, states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
20. The Council have referred to LP Policy 47 within the reason for refusal. This policy relates to safe and secure places and seeks, amongst other things, to ensure developments create allocated residential car parking that is visible from the occupant's home. As the proposed development does not create any allocated parking, this policy is not determinative to this matter.

### **Other Matters**

21. The reuse of the previously vacant upper floors would regenerate a formerly damaged building and provide six residential units. It would support the aims of the Framework, specifically paragraph 120 which relates to the development of underutilised land and buildings. The appeal site is well located and within walking distance to the town centre shops and services. Having regard to the modest amount of development proposed, these benefits carry limited weight.

## **Conclusion**

22. Notwithstanding my conclusions on highway safety and on-street parking, the harm I have identified to the living conditions of future occupiers, with regard to internal space, is determinative. Therefore, the proposed development would conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

*S Pearce*

INSPECTOR