

Appeal Decision

Site visit made on 4 October 2016

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 November 2016

Appeal Ref: APP/H5960/W/16/3155260

184 Balham High Road, Wandsworth, London SW12 9BW

- 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 Sanjeev Patel, on behalf of CB & PC Patel, against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/0848, dated 10 February 2016, was refused by notice dated 26 May 2016.
 - The development proposed is subdivision of existing single duplex flat into 2 dwellings including extension of the upper floor.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of existing single duplex flat into 2 dwellings including extension of the upper floor at 184 Balham High Road, Wandsworth, London SW12 9BW in accordance with the terms of the application, Ref 2016/0848, dated 10 February 2016, 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: Site Location Plan, OS01; Proposed Floor Plans, P40A; Proposed Roof Plan, P41; Proposed Elevation, Section AA, P42; Proposed Elevation/Section BB, P43; Proposed Elevation/Section CC, P44; Proposed Elevation/Section DD, P45.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on housing provision within the Borough in the light of relevant local policies.
 - The effect of the proposal on the living conditions of the occupiers of the wider development at 184 Balham High Road, with particular regard to external amenity space.
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Reasons

Housing Provision

3. The appeal property is a 4 bedroom duplex flat which is situated within a larger flatted development and accessed from Balham High Road. The property is located on the second and third floor of a 4 storey block located to the rear of the site with access via a communal stairway. The kitchen/living area has a small balcony and there is access from its upper floor to a roof terrace.
4. Policy DMH2 of the Wandsworth Local Plan Development Management Policies Document, 2016 (DPD) deals with conversions, and in recognition of a need to maintain family-sized accommodation within the Borough it states that the conversion of dwellings with less than 150sq ms of existing habitable floorspace will only be permitted where the property is unsuitable for families. In considering whether or not the existing accommodation is suitable for use by families, the supporting text to Policy DMH2 advises that account should be taken of the property's location and compliance with other residential policies in the Local Plan, including amenity and space standards.
5. Policy DMH6 of the DPD sets out the Council's residential space standards in line with the London Plan, and advises that family-sized accommodation must provide a minimum of 3 bedrooms (one of which must be a double bedroom), within a minimum overall floor space of 90 Sq ms for a 4 bedroom, 5 bedspace unit. The existing duplex flat has 97sq ms of habitable floor space and is a 4 bedspace unit. None of the bedrooms meet the required space standard for a double bedroom as prescribed by the Technical Housing Standards -nationally described space standards, DCLG 2015 and the London Plan. Consequently having regard to the provisions of Policy DMH6, the appeal property cannot be described as family-sized accommodation.
6. The existing accommodation is located on Balham High Road in an area which is predominantly commercial in character. Although, the appeal property is situated to the rear of the site and does not front directly onto the busy street, its position as part of a high density development with limited access to open space does not make it an ideal location for families. Furthermore the accommodation does not have access to a lift which would be a requirement for family flats above third floor level under the provisions of Policy DMH4 of the DPD. Consequently when these considerations are taken together with the absence of a double bedroom, I am not convinced that the existing accommodation is suitable for families.
7. I understand that larger sized units can provide for the needs of professional sharers, adult families and people who work from home. However, the appeal proposal would not conflict with Policy DMH2 which states that conversion of dwellings will be permitted where the property is unsuitable for families. I am also mindful that overall the flatted development at 184 Balham High Road will provide a good mix of housing units, over 50% of which would be family-sized. Furthermore the appeal proposal would provide an additional well laid out residential unit to meet the housing supply needs of the Borough.
8. Consequently, I conclude that the appeal proposal would not harm housing provision within the Borough and I therefore find no conflict with Policy DMH2 of the DPD, the aims of which are set out above.

Living conditions

9. The proposed development would result in the partial loss of an existing external roof terrace which the Council advise currently provides external amenity space for occupiers of the wider flatted development. The space is located at third floor level with direct access from the upper floor of the appeal property and also from the third floor landing of the central staircase which serves 184 Balham High Road as a whole. Whilst the appeal proposal would retain approximately half of this roof terrace, its use would be solely for the future occupiers of the proposed one bedroom flat, and it would no longer be available for use by occupiers of the wider development.
10. At the time of my visit the existing roof terrace had the appearance of neglect, albeit there was evidence of its external amenity use with a bean bag, chairs and some gym equipment lying on it. The area has direct access from the upper floor of the appeal property and there is also external stepped access between the terrace and communal stairway. It is clear to me that whilst the roof terrace provides a valuable external amenity space, by reason of its location and relationship to other properties within the development, it is not an attractive or accessible space for communal usage. The roof terrace is directly overlooked by the appeal property and its access to the wider development is via a communal stairway which would not appear to be convenient or attractive to other occupiers.
11. On the basis of the evidence I have before me, and with no substantive evidence to indicate otherwise, I believe it is unlikely that the existing roof terrace is used communally by the occupiers of the wider development. Furthermore, the existing space does not provide quality communal space by reason of its poor access for all existing occupiers and its proximity to the appeal property whereby there is a real potential for noise/nuisance and overlooking to existing occupiers through a communal use. Moreover, the proposed development would provide a suitable private and usable external amenity space for the future occupiers of one bedroom flat.
12. I therefore conclude that the appeal proposal would not have a harmful effect on the living conditions of the occupiers of the wider development at 184 Balham High Road, with particular regard to external amenity space. Accordingly I find no conflict with Policy DMS1 of the DPD which seeks to protect the amenities of occupiers of nearby properties, nor do I find conflict with Policy DMH4 and DMH7 of the DPD or the Housing SPD which seek to ensure that new residential development has adequate outdoor amenity space and reflects local character.

Other Matters

13. Neighbouring residents have raised concerns regarding loss of privacy as a result of the proposed development. The Council did not consider that the appeal proposal would harm these interests and from my inspection of the site I concur with their view.

Conditions

14. The Council has suggested a number of conditions which I have considered against the advice in the National Planning Policy Framework and Planning Practice Guide. As a result I have amended some for clarity and consistency.
15. A condition is required to specify the approved plans as this provides certainty. The Council has suggested a condition to require samples of the facing materials to be submitted to the Council for approval. The proposed plans show that the external walls would be faced in hanging tiles to match the existing building. It is therefore clear what those materials will be. Consequently it would not be reasonable or necessary to require samples to be submitted to the Council. However, I have imposed a condition to secure matching materials as this is necessary to safeguard the character and appearance of the area.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

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