
Appeal Decision

Site visit made on 21 September 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 03 November 2016

Appeal Ref: APP/T2215/W/16/3152519

60 Knockhall Road, Greenhithe, Kent DA9 9HF

- 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 Adebisi Afon against the decision of Dartford Borough Council.
 - The application ref: DA/15/01609/COU, dated 27 October 2015, was refused by notice dated 22 December 2015.
 - The development proposed is conversion of dwelling into two 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. Given the Council's fifth refusal reason the **first main issue** in this appeal is whether a conversion into flats would be acceptable in principle. Three refusal reasons relate to various specific aspects of the proposals to create two flats: the **second main issue** is whether those proposals would provide adequate living conditions for future occupiers of the flats. As no provision would be made for off-street parking, the **third main issue** is the effect of the proposals in terms of on-street parking and highway safety.

Reasons

The principle of conversion into flats

3. In this respect the Council relies on Policy DP7(4) of its emerging Development Policies Plan Document (2015) (eDPPD) which, according to the Council officers' report, carries 'only little weight'. It is however apparent from the supporting text to this policy that the Council seeks to manage the intensification of existing housing stock both to ensure an area's residential character is not unacceptably eroded and to ensure adequate standards of accommodation and amenity are secured for existing and future occupants. To the extent that those aims are consistent with the *National Planning Policy Framework* I have had regard to this emerging policy.
 4. However draft Policy DP7(4) sets out firstly that converting a single dwelling of 120m² or less of original net internal floorspace into two or more units will not *normally* be permitted and, secondly, that conversion of terraced houses will not *normally* be permitted (my emphasis). As such it does not preclude
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considering each case on its merits. In this case no. 60 is at one end of a terrace of just three properties in an area where there is a significant number of semi-detached properties. There are other terraced properties nearby, some two-storey maisonettes and a taller block of flats but, even so, this does not appear to be a 'terraced housing neighbourhood'¹ of the kind where the cumulative effects of converting terraced housing into flats are likely to be harmful to residential character and/or amenity.

5. Moreover the internal floor area of no. 60 at approximately 119m² (as recorded in the officers' report) is only a fraction short of the threshold currently in the emerging policy. Thus, in this particular site context, I find no compelling grounds to conclude conversion into two flats would be unacceptable in principle in this particular case simply because it involves a terraced property of a size just below the size threshold proposed in an emerging development plan. The more relevant matter is whether the two bedroom flats specifically proposed in the appeal scheme would provide an adequate living environment for their occupiers.

Living conditions for future occupiers

6. The Council's refusal reasons in this respect refer to saved LP² Policy B1 (Design of New Development) and, in one case, CS³ Policy CS 17: Design of Homes. Both policies are broadly consistent with the *Framework*, most notably with the core planning principle which advocates high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Neither policy includes specific criteria for matters such as corridor widths or room sizes.
7. The appeal proposals include internal alterations that would result in a very narrow hallway in the first floor flat, which would be less than the width quoted (in the appellant's own statement) from Lifetime Homes criteria. Those criteria have now been replaced by the Government's 'Technical housing standards - nationally described space standard' (2015) (NDSS). Nonetheless, in practical terms the narrow hallway would restrict circulation within that flat, such that this aspect of the layout could not be considered to represent high quality design or a good standard of amenity for the flat's occupiers.
8. The proposals also include removing a wall between the existing ground floor kitchen and living rooms and replacing a rear door with wider French windows. These alterations would not however be sufficient to offset the reduction in daylight, sunlight and outlook that would result from loss of the existing side-facing window and the siting of an external staircase above and in front of the existing rear-facing window to the proposed kitchen/dining area. Bearing in mind also the orientation of the property, facing north-west at the rear, again I find that the proposed alterations and layout would not represent good design or provide a good standard of amenity for occupiers of the ground floor flat.
9. The Council and appellant calculate the size of the outdoor amenity space to be 58m² and 68m² respectively, compared with a requirement for at least 70m² if the 35m² requirement for a two-bedroom flat in LP Appendix 9 is applied. The small rear garden's narrow, triangular shape further diminishes its value and

¹ As in paragraph 9.34 of the eDPPD, beginning: "Impacts are exacerbated in terraced housing neighbourhoods"

² In full, The Borough of Dartford Local Plan (1995)

³ In full, the Dartford Core Strategy (2011)

usefulness, especially if either or both flats were to be occupied by families with children. Whilst these shortcomings alone would not be sufficient to justify refusing the appeal, they are matters which weigh against the proposals, notwithstanding that there is a large public recreation/sports ground only a short distance away on the opposite side of Knockhall Road.

10. In its appeal statement the Council notes that the overall flat sizes would not meet those specified in the NDSS. However, although the Council states the NDSS will be included in the final version of the DPPD, this emerging plan is not yet adopted and thus the NDSS standards cannot be applied to these proposals. I simply note that the proposed bedroom sizes (as illustrated on the submitted plan), when compared with the NDSS, suggest each two-bedroom flat would be considered as a three person unit. The NDSS standards indicate the total gross internal floor area of such a flat should be at least 61m². Thus, on the basis of a total internal floor area of around 119m², the shortfall relative to the NDSS would appear to be modest in this respect also. In such circumstances I give little weight to this element of the Council's case, but that does not outweigh my findings in the previous paragraphs.
11. The combination of factors considered in my paragraphs 7-9 above leads me to conclude the proposals would neither amount to good quality design nor provide a good standard of amenity for future occupiers of the flats. In terms of design that conclusion is reinforced by another aspect of the scheme⁴, namely that the first floor 'lounge' would be next to a bedroom in the adjoining property, creating potential for disturbance harmful to the neighbouring occupiers' living conditions.
12. Taking account of all matters raised on this main issue I conclude the proposals would fail to provide adequate living conditions for future occupiers. The scheme would conflict in these respects with the development plan, most notably saved LP Policy B1 and CS Policy CS 17, and with the *Framework*. Two other appeal decisions submitted by the appellant have little bearing on these conclusions, not least because they relate to a different place (Croydon) where different policies will apply and because there is insufficient detail to determine the extent to which the properties/proposals in those cases are or are not similar to those in the scheme before me.

Parking and highway safety

13. The Council maintains three off-street parking spaces are required for the two flats to satisfy the requirements of saved LP Policy T23 and the associated Parking Standards Supplementary Planning Document (SPD). However there is little to suggest a lack of off-street parking for the existing dwelling causes highway safety or other problems. Moreover there are few parking restrictions in the immediate locality and the nearby stretches of Knockhall Road and Alexander Road without dwellings fronting onto them increase the scope for on-street parking in this locality, even though Knockhall Road is a bus route.
14. In these particular site circumstances I find insufficient grounds to conclude that a net increase of one small dwelling would increase off-street parking to such an extent that it would cause material highway safety or other problems. I therefore give little weight to the failure to satisfy the requirements of LP Policy T23 and the SPD.

⁴ Raised in a neighbouring occupier's response to the application and in the Council's appeal statement

Other matters and overall conclusion

15. I have had regard to all other matters raised, most notably the benefits of providing two smaller dwelling units in a location accessible to facilities and services including public transport. However neither these nor my conclusions on the first and third main issues are sufficient to alter or outweigh my conclusions on the second main issue, which I find to be the determining matter in this case. In failing to provide an adequate living environment for occupiers of the proposed flats the appeal proposals would not accord with the development plan or with the *Framework* and it follows therefore that the appeal must fail.

Jane Miles

INSPECTOR