

Appeal Decision

Site visit made on 28 November 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 12th December 2016

Appeal Ref: APP/Z3635/W/16/3157227

218 Stanwell Road, Ashford, TW15 3QU

- 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 Anthony and Mrs Sonia Denton against the decision of Spelthorne Borough Council.
 - The application Ref 16/00618/FUL, dated 15 April 2016, was refused by notice dated 27 June 2016.
 - The development proposed is change of use from one dwelling to 1 x one bed dwelling and 1 x three bed dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Denton against Spelthorne Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appeal is accompanied by revised plans, which seek to provide alternative internal layouts for the proposal. These were not formally considered by the Council as part of the application and so have not been subject to the normal process of statutory consultation. I have therefore determined the appeal on the basis of plans which the Council used to formally determine the application.

Main Issue

4. The main issue for the appeal is whether the proposed one bedroom dwelling would provide acceptable living conditions for future residential occupiers, having regard to the size of the property and its internal layout.

Reasons

5. The appeal property is a semi-detached house which has previously been extended to the side and rear. It sits in a large plot within an established residential area. The proposal seeks to subdivide the property into two houses, one of which is described as a one-bedroom property. The parties agree that the proposal would provide adequate external amenity space and adequate levels of parking. The Council's concerns relate solely to whether the proposed one bedroom unit would lend itself to more intensive occupation, and so provide substandard levels of internal space for future occupiers.
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6. The proposal has been the subject of 2 previous planning applications, both of which were subject to refusals which were upheld at appeal¹. The submitted plans show the retention of the existing conservatory to the rear. They also show that with minor alterations the one bedroom property would use the existing ground floor bathroom and could be subdivided to provide a large room to the rear at first floor, shown as a bedroom, and a smaller room to the front. The parties dispute whether this room would be likely to be used as a second bedroom.
7. Although the submitted proposed plans show a very small room, measuring 1611mm deep, the existing plans show a room measuring 1973mm deep. The external window openings are unchanged and the plans show no external alteration to the house, or change to the position of the stairs or bathroom. The difference therefore appears to arise from a discrepancy between the existing and proposed depth of the house, which the elevations show as being unaltered. During my visit I noted that the front room was being used as a bedroom with a double bed and other furniture. It therefore seems to me that the dimensions shown on the existing plans are a more accurate representation of the internal layout of the front room.
8. As the room is capable of occupation as a bedroom at present, I consider there to be every likelihood that it would continue to be used as such following the proposed conversion. The remainder of the dwelling would include a larger bedroom to the rear, an upstairs shower room and a downstairs bathroom, along with a kitchen and conservatory which the appellant states would be used as a dining room. The conservatory has high brick walls to the side and as it was in use as such at the time of my visit is capable of being used as an additional living space. Having regard to the configuration and size of the rooms, I share the view of the Council that the proposed 1 bed dwelling could be used for more intensive occupation, as a 2 bedroom dwelling, and so regardless of the notation of rooms on the submitted plans, should be considered as such.
9. The Council's *Design of New Residential Extensions and New Residential Development Supplementary Planning Document* (2011) (SPD) sets minimum floorspaces for two-bed (and over) dwellings, but doesn't set a threshold for one bed properties. The minimum floorspace for a 2 bed dwelling is 75m². The *Technical Housing Standards – nationally described standard* (THS) has been introduced since the SPD and is a material consideration to which I must have regard. It states that the minimum floor area for a 1 bed 2 person dwelling is 58M² and for a 2 bed 3 person dwelling is 70M². The parties dispute the floor area of the dwelling. The Council contend that it amounts to around 53M². The Appellant states that it would measure around 61.65M². Even if I adopt the appellant's assessment it would fall short of both guidance in the Council's SPD, and the National Standard for 2 bedroom dwellings. The National Standard does not seek to restrict the use of individual rooms, but rather to ensure that new dwellings provide acceptable levels of living space for living, dining, kitchen and storage based on potential occupancy. As such, to provide a dwelling which fails to meet these standards would lead to a small but nonetheless harmful erosion of the quality of the overall housing stock.

¹ Appeal ref APP/Z3635/A/14/2224059 and Appeal Ref APP/Z3635/W/15/3136638

10. The appellant has provided as part of the application a signed unilateral undertaking which seeks to ensure that the property is only laid out as a one-bedroom dwelling. However, the undertaking does not restrict the occupation of the dwelling to the owners. Future occupants may not be the signatories of the agreement and so I am unconvinced that the undertaking would be enforceable. In coming to a view I have also considered whether the harm that would arise could be mitigated by the use of a planning condition. The appellant has suggested that a planning condition restricting how the dwelling is laid out could alleviate the Council's concerns. However, I am of the view that such a condition would also not be enforceable.
11. It follows that the proposal would fail to provide a satisfactory standard of indoor living space for future occupiers and would conflict with the provisions of Policy EN1 of the *Spelthorne Core Strategy and Policies Development Plan Document* which seeks a high standard in the design and layout of new development. It would also conflict with guidance in the *National Planning Policy Framework*, which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.
12. Therefore, having regard to all other matters raised, including the views of local residents, the appeal is dismissed.

Anne Jordan

INSPECTOR