
Appeal Decision

Site visit made on 12 December 2016

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 6th January 2017

Appeal Ref: APP/X5990/W/16/3156017

2nd Floor Flat, 187 Saltram Crescent, London W9 3JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D Patel against the City of Westminster Council.
 - The application Ref 15/10590/FULL is dated 12 November 2015.
 - The development proposed is described as 'Conversion of second floor flat into three self contained units and one single bedroom unit in the converted loft space.'
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Decision

1. The appeal is dismissed and planning permission for the conversion of second floor flat into 4 self contained units and construction of rear dormer and installation of 2 rooflights to front roof slope is refused.

Procedural Matter

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the evidence before me that the appeal proposal also relates to the construction of a dormer window to the rear and the installation of rooflights to the front of the appeal property. The description of development set out on the appeal form is 'Conversion of second floor flat into 4 self contained units and construction of rear dormer and installation of 2 rooflights to front roof slope.' This revised description more appropriately describes the proposed development, and I have therefore considered the appeal on that basis as neither of the parties would be prejudiced or caused any injustice by me taking this course of action.

Main Issues

3. Based upon the submitted evidence, I consider that the main issues are:
 - (a) The effect of the proposed development upon the character and appearance of the appeal property, terrace and surrounding area;
 - (b) Whether the appeal proposal would provide acceptable living conditions for future occupants of the proposed development with particular regard to internal living space; and
 - (c) Whether the appeal proposal would contribute towards meeting Westminster's housing needs and creating mixed communities.
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Reasons

Character and appearance

4. The appeal site is a 3 storey Victorian end terraced property constructed in brick with a slate roof. There is a commercial unit at ground floor and residential accommodation above, and the surrounding area is predominantly residential. Very few of the properties in the terrace have been altered significantly at roof level, and the terrace retains an attractive uniformity.
5. The proposed development would introduce a large dormer to the rear of the property. The dormer would be only slightly set up from the eaves, down from the ridge and in from the side boundaries, and would therefore dominate the rear roof slope of the appeal property and the wider terrace, detracting from the established architectural unity. The existing brick gable on the west elevation would be built-up to form the flank wall of the dormer, which would add considerable bulk to the side elevation of the host property. The dormer would feature 3 windows, with the central window being wider than the existing windows on the main rear elevation. This arrangement of fenestration would give the development a top heavy appearance. It is proposed that the north and east elevations of the dormer would be covered in hung tiles, and the roof covered in mineral felt. These materials would not reflect those used in the construction of the host property or the traditional lead and slate covered dormers elsewhere on the terrace.
6. Overall, for the reasons set out above, I conclude that the scale, bulk, detailed design and materials of the proposed dormer would harm the character and appearance of the appeal property, terrace and surrounding area. As such, the appeal proposal would not accord with the design aims of Policy S28 of the Westminster City Plan: Strategic Policies (City Plan) and DES 1 and DES 6 of the Westminster Unitary Development Plan (UDP).

Living conditions

7. The appeal proposal would create 4 self-contained units; 3 studio units at second floor and a 1 bedroom unit at attic level.
8. The nationally described space standard (the Standard) set out in the Technical Housing Standards, and adopted by the Mayor of London in the London Plan and Housing Supplementary Planning Guidance (SPG), deals with internal space within new dwellings. The Standard aims to ensure that all new homes are functional and fit for purpose in order to achieve a good quality living environment. Based on the evidence before me, all of the proposed units would have a gross internal floor area (GIA) of substantially less than the minimum GIA of 37m² for a 1 person dwelling and 50m² for a 2 person dwelling set out in the Standard. As such, the appeal proposal would result in a very cramped form of development which would not provide a good quality living environment.
9. The appellant has drawn my attention to the City of Westminster 'Guide to Houses in Multiple Occupation Bedsits & Studios' and 'Guide to Houses in Multiple Occupation Self Contained Flats' (the guides). I note that the guides were produced by the Council's Residential Environmental Health Service, and do not appear to constitute planning policy or guidance. I further note that both documents state that compliance with the standards set out in the guides

does not confer planning approval for any particular use. I have therefore attached little weight to the guides on this occasion.

10. For the reasons set out above, I conclude that the appeal proposal would not provide acceptable living conditions for future occupants of the proposed development with particular regard to internal living space. As such, it would fail to accord with the amenity protection aims of Policy ENV 13 of the UDP, Policies S15 and S29 of the City Plan, the London Plan and the Housing SPG.

Housing needs

11. Policy H 7 of the UDP and S15 of the City Plan seek to protect Houses in Multiple Occupation (HMO). The supporting text to Policy H 7 explains that HMO provide a source of less expensive market housing within the City and goes on to state that the Council will therefore resist the loss of this accommodation through conversion to self-contained flats that command much higher levels of rent. The supporting text to Policy S15 states that Westminster has the second highest house prices in the country, and the need for affordable housing is significantly above the Inner London average.
12. The appeal proposal would convert the existing HMO into 4 self-contained residential units, and would therefore result in the loss of much needed less expensive market housing.
13. The appellant makes the case that the existing maximum occupancy in the 3 double rooms on the second floor is 6 persons, and that the proposed development could accommodate 6 persons so there would be no overall loss of accommodation. However, as set out earlier, it has not been demonstrated that 6 persons could be satisfactorily accommodated in the proposed units.
14. Policy H 5 of the UDP seeks to ensure that an appropriate mix of unit sizes, including family-sized units of 3 or more bedrooms, is achieved in all developments. Policy S14 recognizes that whilst conversions to flatted accommodation increase the number of residential units they may not provide an appropriate mix and size of units. The proposed residential units would all be very small, being either studio or 1 bedroom units, so the scheme would not achieve an appropriate mix of unit sizes, including family-sized units.
15. For the reasons set out above, I conclude that the appeal proposal would not contribute towards meeting Westminster's housing needs and creating mixed communities. As such, it would fail to accord with Policies H 5 and H 7 of the UDP and Policies S14 and S15 of the City Plan.

Other matters

16. I note that the Council's Environmental Health Consultations team raised no objection to the proposed development. However, this does not outweigh the harm I have identified with regard to the 3 main issues.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

C L Humphrey
INSPECTOR