
Appeal Decisions

Site visit made on 17 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 13 February 2017

Appeal Ref: APP/G5180/W/16/3161591

Rear of 88 High Street, Penge, London SE20 7HB

- 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 Ms Ekaterina Alimova against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02351/FULL3, dated 1 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is described as change of use for 1 Bedroom Flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of application Ref: DC/16/02351/FULL3 to 'conversion of garage to one bedroom flat'. This is an accurate description of the proposal which I have used in the determination of the appeal.
3. There is some dispute between the main parties as to whether the proposed flat would be occupied by two persons or one person. The appellant's statement refers to the proposed change of use as being a 'single occupant residence'. However, the Design and Access Statement which formed part of the application considered by the Council states that 'the proposed development would offer an affordable house for an individual or couple'.
4. The Council determined the application on the basis that the proposed change of use would be for a one bedroom two person flat. Notwithstanding the appellant's statement, I have considered this appeal on the basis of the application that was considered by the Council and in particular the information that was contained within the Design and Access Statement which formed part of that application.

Application for costs

5. An application for costs was made by Ms Ekaterina Alimova against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.
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Main Issue

6. The main issue is whether the proposed change of use would provide satisfactory living conditions for the future occupiers of the flat with particular regard to accommodation space and outlook.

Reasons

7. The appeal property comprises a single storey brick built garage with a part flat and part sloping corrugated iron roof located to the rear of No 88 High Street. It is accessed via a gated entrance off Maple Road that leads into an enclosed alley providing access to a number of predominantly single storey buildings that appear to be used for commercial storage and access to a residential conversion to the rear of Nos 80 and 82 High Street. However, I agree with the Council that the character of the existing development served off the enclosed alley cannot be considered to constitute a residential 'Mews' due to the relatively functional design of the commercial buildings, their poor quality appearance and maintenance and the nature of the commercial uses undertaken.
8. The proposal seeks to convert the existing garage to a flat having a bedroom, bathroom and kitchen/reception room. It would involve the removal of the existing garage doors and their replacement with a single entrance door and two windows, the installation of two roof lights in the sloping roof and one in the flat roof. The existing building footprint would be reduced at the rear in order to create an internal courtyard approximately 5.6 sq m which would be accessed via a new rear door from the proposed bedroom. This courtyard would be wholly enclosed by the appeal building and adjacent properties.
9. The rear window of the proposed bedroom would overlook the small internal courtyard with views directly towards the rear elevation of No 88 High Street. Owing to the enclosed nature of the courtyard I consider that this window would receive little natural daylight and offer a poor outlook. The courtyard itself, being enclosed on all four sides, would also receive a reduced amount of daylight. The proposed windows in the south elevation would overlook the alley towards an unkempt rear garden of No 197 Maple Road. In my view, the outlook from these windows would also be poor.
10. The Council have referred to the adopted Minor Alterations to the London Plan (2016) (MALP). Policy 3.5 of the MALP requires that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The accompanying Table 3.3 of the policy sets out minimum space standards for dwellings of different sizes based on the minimum gross internal floor area (GIA) required for new homes relative to the number of occupants. For a one bedroom, two person dwelling the minimum is 50 sq m. The policy emphasises that these are minimum standards which developers are encouraged to exceed.
11. There is dispute between the main parties regarding the GIA of the proposed dwelling. The Council indicate that the GIA would be 48.22 sq m whilst the appellant suggests that it would be 50 sq m. I have no evidence to conclusively define which calculation is correct although the Council indicate that the appellant's calculations are based on external and not internal measurements.

12. Notwithstanding which calculation is correct, at best the proposed conversion would meet the very minimum floor space area. This factor, coupled with a poor outlook, reduced amount of natural light and its location in an area that is predominantly commercial in character leads me to find that the occupants of the proposed dwelling would experience a constrained and oppressive living environment. This would fail to meet the objectives of improving the quality of London's housing as set out in Policy 3.5 of the MALP.
13. Even if the property were to be occupied as a single person unit, in my view, the external environment and design of the unit, in terms of poor outlook and constraints in receiving natural light, would cause demonstrable harm to the living conditions of the occupant of the property.
14. I have taken into account the fact that the proposal would make a modest contribution to housing supply, would improve the appearance of the building and would be located in a sustainable location close to be public transport links. Whilst these benefits can be afforded medium weight, collectively they do not outweigh the harm that I have found that would be caused to the living conditions of the future occupants of the property.
15. Taking the above matters into consideration, I conclude that the proposal would not provide adequate and acceptable living conditions for the occupants of the proposed unit. It would therefore not conflict with Policy 3.5 of the London Plan and Policies H7 and H12 of the Bromley Unitary Development Plan. These policies, amongst other things, permit the conversion of redundant non-residential buildings to residential subject to achieving a satisfactory quality of accommodation and amenity and that housing developments should be of the highest quality internally, externally and in relation to their context and that new development should meet minimum internal floor space standards.

Other matters

16. The site is located within the Penge High Street Conservation Area. The Council have found no impact on the character or appearance of Conservation Area. However, I have nonetheless had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and its setting. In this respect, the proposed changes to the garage would involve the provision of new doors, windows, new metal roof and the installation of three rooflights. Given the relative small scale nature of these proposed modifications to the building and the fact that the site cannot be seen in public views I am satisfied that the proposal would preserve those interests.

Conclusion

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

Stephen Normington

INSPECTOR