
Appeal Decision

Site visit made on 7 February 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/T5720/W/16/3154524

11 Leamington Avenue, Morden, Surrey SM4 4DQ

- 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 Nimal Atheray against the decision of the Council of the London Borough of Merton.
 - The application Ref 15/P3777, dated 1 October 2015, was refused by notice dated 18 April 2016.
 - The development proposed is the conversion of a single dwelling house to form 2 No. self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Planning Practice Guidance makes clear that contributions for affordable housing and tariff-style planning obligations should not be sought from small scale developments such as the appeal proposal. This follows the order of the Court of Appeal dated 13 May 2016, subsequent to the Council's decision, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014.
3. The Council has therefore confirmed that it is not currently seeking affordable housing contributions from small sites of ten homes or less and that no contribution would be sought for this proposal, should I be minded to allow the appeal. Consequently, it is no longer necessary to consider the Council's second reason for refusal relating to the absence of a legal undertaking to secure a financial contribution towards the delivery of affordable housing.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the supply of family housing in the Borough; and
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of internal living space.
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Reasons

Supply of family housing

5. The appeal relates to a two storey semi-detached house with additional accommodation within the roof space. It is proposed to convert this existing single family dwelling into two self-contained flats.
6. London Borough of Merton LDF Core Planning Strategy (LDF) Policy CS 14 states that all development needs to be designed in order to respect, reinforce and enhance the local character of the area and to contribute to Merton's sense of place and identity. To achieve this, the policy seeks to encourage, amongst other matters, a well-designed housing stock by requiring existing single dwellings that are converted into two or more smaller units of accommodation to incorporate the re-provision of at least one family sized unit where resulting in the loss of an existing family sized unit.
7. The London Plan (2016) generally defines family housing as having three or more bedrooms. The dwelling currently provides four bedrooms and therefore falls within this definition, whereas the appeal proposal would provide two, two-bedroom self-contained flats. Accordingly, the conversion would result in the loss of an existing family sized dwelling which would not incorporate the re-provision of at least one family sized unit. This would be in clear conflict with LDF Policy CS 14.
8. It is asserted that the proposal would help alleviate the on-going demand for residential accommodation within the Borough, but to achieve this very modest increase in the number of residential units would be at the cost of losing family sized accommodation, which LDF Policy CS 14 specifically seeks to resist. Furthermore, I have no evidence to demonstrate that there is a lack of demand for family accommodation of the size of the existing dwelling.
9. Although there may be a number of conversions nearby, as acknowledged by the appellant, the majority of properties in Leamington Avenue are single family dwellings. The proposal would not therefore respect or reinforce local character as required by LDF Policy CS 14.
10. I note the appellant's view that the provision of only one additional two bed flat would only minimally increase the density, without creating any visual difference to the street scene, however, this is not on its own, a good argument in favour of permission; such permissions could be granted too often, thereby undermining LDF Policy CS 14 and the objective of ensuring a mix of housing sizes, particularly the provision of family units.
11. I therefore conclude on this main issue that the proposed development would result in an unacceptable loss of family sized accommodation, contrary to LDF Policy CS 14.

Living conditions

12. In encouraging well designed housing within the Borough, LDF Policy CS 14 also seeks to ensure that all residential development complies with the most appropriate minimum space standards. In this regard, the London Plan and the

nationally described space standards¹ set a minimum space standard of 61m² (gross internal area) for a two bedroom, three person, single storey dwelling.

13. The Council state that the proposed ground floor flat would achieve 54m², thereby falling materially below the minimum space standards and providing cramped and oppressive accommodation for future occupants. Whilst the appellant does not agree that this is the case, I have not been provided with any figures to contest this position.
14. I conclude therefore that the proposal would not provide acceptable living conditions for future occupants and would be contrary to LDF Policy CS 14, Policy DM D2 of the Merton Sites and Policies Plan and Policies Map and to Policy 3.5 of The London Plan and Standard 24 of its Housing Supplementary Planning Guidance. These state, in addition to the above and amongst other matters, that housing development should be of the highest quality both internally and externally.

Conclusion

15. For the above stated reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector

¹ Department for Communities and Local Government Technical housing standards – national described space standard March 2015.