

Appeal Decision

Site visit made on 15 February 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 7th March 2017

Appeal Ref: APP/H5960/W/16/3161455

15 West Hill, London SW18 1RB

- 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 Julian Cookson of 17 West Hill Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/5020, dated 23 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is erection of part single, part double storey rear extension. Erection of roof extension above back addition (including balcony) at second floor level and alterations to existing fenestration in connection with conversion into four flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions for its occupiers, with particular regard to the size of the flats and the outlook for the occupiers of flat 2.

Reasons

3. The development would involve the construction of additions to the rear of the property to facilitate its conversion into four flats.
 4. With respect to the size of the flats Policy DMH4 of the Wandsworth Local Plan Development Management Policies Document of 2016 (the DMPD) requires the internal space standards for dwellings to be compliant with the standards set out in the London Plan and the Mayor of London's Housing Supplementary Planning Guidance (the SPG), as amended to take account of the national 'Technical housing standards – nationally described space standard' of 2015 (the THS). Policy DMH6 of the DMPD elaborates on the provisions of Policy DMH4, the THS and the SPG and identifies specific floor areas for new built flats and flats arising from conversion schemes. In the case of one bedroom, one bed space (one person) dwellings Policy DMH6 states that the minimum floor area should be 37 square metres (sqm), while for a one bedroom, two bed space (two persons) dwelling the minimum floor area should be 50 sqm. The aforementioned standards are repeated in the Council's Housing Supplementary Planning Document of 2015 (the SPD)
 5. The floor plans for each of the flats, as shown on drawing 201553.P.1102, show that their bedrooms are intended to accommodate double sized beds. I
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therefore consider that the applicable floorspace standard for the purposes of Policies DMH4 and DMH6 is that for a two bed space flat, ie 50 sqm per flat. When that standard is applied, on the basis of the undisputed floor areas quoted by the Council, flats 1, 2 and 4 would have areas significantly less than the minimum standard. I therefore find that flats 1, 2 and 4 would be of inadequate sizes for their occupiers and that this deficiency would be harmful to the living conditions for the occupiers of those flats.

6. Flat 1 would occupy the front half of the extended property's ground floor, while flat 2 would be behind flat 1 and the extension that would accommodate flat 2 would, with the exception of two very small courtyards, occupy No 15's rear yard. Flat 2 would only have two vertically hung windows serving it. Both of those windows would be obscure glazed, with one being a bathroom window, while the second window would serve flat 2's bedroom. Flat 2's bedroom window would need to be obscure glazed to safeguard the privacy of the occupiers of this flat and flat 1, given the proximity of their bedroom windows to one another.
7. There would be no outlook, in the normally accepted sense, from flat 2's bedroom, given the obscure glazing of its vertically hung window, with a rooflight being the only other window serving this room and only being capable of providing glimpses of the sky. I consider that the window arrangements for flat 2's bedroom in the absence of any meaningful level of outlook would provide an oppressive living environment for the users of this room. The fact that the windows serving flat 2's bedroom would be capable of providing appropriate levels of natural lighting would not address the lack of outlook.
8. Flat 2's kitchen and living room would have two doors¹ which, if glazed, would be capable of providing some outlook, however, that outlook would be extremely limited because it would be into a small enclosed courtyard. I therefore consider that the outlook that would be available from the kitchen and living area would also afford the occupiers of flat 2 with an oppressive living environment.
9. For the reasons set out above I conclude that the development would be harmful to the living conditions for its occupiers because flats 1, 2 and 4 would be of an inadequate size for their occupiers. That inadequacy gives rise to conflict with Policies DMH4 and DMH6 of the DMPD, the SPD and the THS. I also conclude that the inadequacy of the outlook for the occupiers of flat 2 would result in harmful living conditions for the occupiers of this dwelling. That harm gives rise to conflict with the fourth core planning principle referred to in paragraph 17 of the National Planning Policy Framework, because flat 2 would fail to provide a good standard of amenity (living conditions) for its occupiers.
10. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR

¹ Based on the arrangements shown on drawing 201553.P.1102