
Appeal Decision

Site visit made on 14 February 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 7 March 2017

Appeal Ref: APP/E5330/W/16/3164624

Heckford House, 13A Sladedale Road, Plumstead, Greenwich SE18 1PY

- 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 Xhevat Lita, Access Building Contractors against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/0832/F, dated 15 March 2016, was refused by notice dated 13 September 2016.
 - The development proposed is the conversion of an existing three bedroom house into 2 one bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My visit to the site confirmed that the property had been subdivided. However, notwithstanding that the drawings are annotated as being "As Built" they show an extension to the ground floor flat. Although the Council's Delegated Report notes that this had been constructed, at the time of my visit there was no extension in that location. During my visit I also noted that the area indicated on the plans as Living/Dining/Kitchen in the ground floor flat was divided into two rooms, one in use as a bedroom.
3. It would not be appropriate, in the interests of natural justice, to determine the appeal on the basis of the implemented scheme for which no drawings have been provided. I have therefore determined the appeal on the basis of the submitted plans, although where appropriate I have made reference to what I saw on site.

Main Issues

4. The main issues raised by this appeal are the effect the proposal would have on the supply of small and medium sized family dwellings and on the living conditions of occupiers of the ground floor flat, with particular reference to natural light, outlook and ventilation.

Reasons

Housing supply

5. The appeal property is situated at the end of a row of mews style dwellings. The drawings show that in its previous layout it would have been a three bedroom house with access to a small garden. Although the garden is modest,
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the property would have been of a size and configuration which could have provided accommodation suitable for a family. Neither of the two flats, with or without the extension, would be of a size or configuration which could be considered suitable for families. The proposal would result in the loss of a small family dwelling.

6. The Core Strategy¹, at paragraph 4.1.42, seeks to protect the existing stock of small and medium sized family dwellings which it considers have a vital and versatile role in meeting housing need. Core Strategy Policy H(b) does not permit the sub division of a residential property where the original premises is less than 111.48m² net floor area (or 130m² in a terrace). At 97 m² (according to the Council's figures) the house would have had an internal floor area below these thresholds.
7. No evidence has been provided to support the appellant's statement that the property in its former configuration was unsuccessfully marketed for six months. In any case I cannot conclude on the basis of such an exercise alone that there would be no need in the area for family housing such that would indicate an approach contrary to the development plan policy should be taken.
8. The appellant considers that Core Strategy Policy H(b) seeks to protect family housing of a 'traditional' character and that the contemporary architecture and design of the appeal building would avoid conflict with the Policy. However, the Policy and supporting text is not qualified by reference to the age or design of houses to which it applies and I have not been directed to any other policies in this respect.
9. The supporting text to Core Strategy Policy H(b) states that reference to existing conversions in each street will be made and the appellant advises that the result of a visual survey revealed that there were no other properties in Sladedale Road converted to flats. Notwithstanding the lack of substantive evidence to support these observations, the absence of other conversions nearby would not necessarily mean that the proposal is acceptable as there is no suggestion that the development plan's identification of a need for such accommodation is localised.
10. The proposal would harm the supply of small and medium sized family dwellings and would be contrary to Core Strategy Policy H(b) which accords with the National Planning Policy Framework's (the Framework) aim to deliver a wide choice of high quality homes.
11. Any benefits which may arise as a result of the rents being lower than the median rent for the area would be considerably outweighed by the unsubstantiated loss of housing of a size which the development plan seeks to retain to serve an, albeit different, housing need. Similarly, there is no evidence to suggest that the appellant's business approach should outweigh the above harm nor that the Council's decision necessarily runs counter to the Framework's approach that Council's should work closely with the business community in drawing up development plans.
12. The Council's generalised concern of a precedent being set is not supported by any evidence of particular pressures or trends that would indicate that it is a

¹ Royal Greenwich Local Plan Core Strategy with Detailed Policies, 2014.

realistic and specific possibility were I to allow the appeal. However, this does not alter my conclusion on this issue.

Living conditions

13. The living space of the proposed ground floor flat would rely on a single, presumably glazed, north facing door for its natural light with the only other window serving the separate bedroom extension. During my visit I was able to observe that even during day time the existing double leaf glazed doors only provided limited natural light into the smaller living space as currently arranged. The effect of the proposed arrangement would be that, other than immediately adjacent to the door, carrying out most domestic activities would be reliant on artificial light for most of the day, particularly in those areas farthest from the door at the rear of the flat. This would harm the living conditions of future occupiers.
14. Restricting outlook from the main living space to a single aspect through a relatively narrow vertical glazed door would compound these adverse effects, although ventilation could be provided or supplemented by mechanical means. The proposal would consequently be contrary to London Plan Policy 3.5 and Core Strategy Policies H5 and DH1 which together seek well designed housing. It would also be contrary to the Framework's core planning principle of always seeking to secure a good standard of amenity for all future occupants of buildings.
15. The appellant has suggested that an additional window was included in the approved scheme but not implemented and that its installation could be required by way of a condition. An appropriately sized and located window may provide a level of natural light and outlook which has the potential to overcome harmful effects on future occupiers' living conditions.
16. However, I have not been provided with any plans showing this approved scheme indicating such a window. In the interests of fairness I am obliged to determine the appeal on the basis of the application and drawings considered by the Council. Not to do so could potentially prejudice the interests of interested parties who would not have had the opportunity to comment on such a change or the Council who would not have been able to evaluate its effects, for instance on the design of the building and neighbours' living conditions. Therefore I do not consider that this matter could reasonably be addressed by way of a planning condition.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, the proposal would harm the supply of small and medium sized family dwellings and the living conditions of occupiers of the ground floor flat, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR