
Appeal Decision

Site visit made on 24 May 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/D1590/W/17/3168624

132 Hildaville Drive, Westcliff-on-Sea, Essex SS0 9RR

- 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 Paul Adams against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01472/FUL, dated 2 August 2016, was refused by notice dated 28 October 2016.
 - The development proposed is conversion of house into 2 self contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development would involve the conversion of 132 Hildaville Drive (No 132) into two flats, one being a single bedroom unit (the flat), while the second would be a maisonette. The flat would occupy the ground floor, while the maisonette would occupy the first floor and roofspace. The scheme subject to the application submitted to and determined by the Council included no direct access to the rear garden for the maisonette's occupiers, with access being dependent on the use of rear alleys. As part of the appeal, and to address the Council's concern about the accessibility of the garden to the maisonette's occupiers, amended versions of drawings 106 (block plan) and 306 (proposed floor plans) have been submitted. Those amended drawings show the installation of an external spiral staircase.
3. The amended plans have not been subject to direct public consultation with the occupiers of neighbouring properties. The installation of an external staircase would affect the appearance of No 132 and no elevational details for it have been provided. If I was to consider the installation of the spiral staircase that could be prejudicial to the third parties and I have therefore not taken account of it in reaching my decision.

Main Issues

4. The main issues are: the effect of the development on the living conditions for its occupiers, with particular regard to internal and external space provision; the effect of the development on the supply of single family houses in the area; and whether suitable arrangements would be made for the storage of refuse and bicycles.
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Reasons

Living Conditions

5. Policy DM8 of the Southend on Sea Development Management Document of July 2015 (the DMD) requires the internal environment of all new dwellings to be of a 'high quality'. To that end minimum gross internal floor areas (GIAs) for dwellings are specified in Policy DM8's supporting text. However, on 1 October 2015 the Council's internal space standards were superseded by the minimum space standards introduced by the Government in the 'Technical housing standards – nationally described space standard' of 2015 (the THS).
6. Table 1 of the THS states that for single storey dwellings with one bedroom for occupation by one or two persons the minimum GIAs should respectively be 39 and 50 square metres (sqm). For two storey dwellings (including maisonettes) with two bedrooms and three bed spaces the relevant THS standard is 70 sqm. For the purposes of the THS space within rooms with a headroom of less than 1.5 metres should be discounted from a dwelling's GIA, unless it is storage space.
7. There is some inconsistency in the appellant's planning and appeal statements with respect to the maisonette's quoted GIA, with the figure ranging between '64' and '76 +' sqm. A GIA of 64 sqm for the maisonette appears to me to be the more accurate figure, having regard to the floor areas quoted by the appellant for the ground and first floors and the area of the roof space with headroom of 1.5 metres or more. On that basis the maisonette's GIA would be 6.0 sqm less than the THS's standard. I consider that the departure from the national standard is a significant one, given that providing 70 sqm is a minimum requirement, and would result in the maisonette's occupiers being provided with a poor living environment. I also consider that the living environment in the second floor bedroom would be a poor one because the outlook from this room would be highly constrained, given the siting and heights of the rooflights to be installed.
8. There is disagreement as to whether the flat should be considered as being a one or two person dwelling, given its bedroom's floor area. The appellant has stated that this bedroom would have an area of 11.32 sqm, while the Council contends its area would exceed 11.5 sqm. The THS states that in order to provide one bed space a single bedroom should have an area of at least 7.5 sqm, while the area for two bed spaces for a double/twin bedroom should have a minimum area of 11.5 sqm.
9. The floor areas that have been quoted for the flat, together with the layout for its bedroom, suggest that it would readily be capable of providing two bed spaces, even though on the appellant's calculation there would be a very marginal shortfall against the THS's standard of 11.5 sqm. As there would be no means of controlling how many people could occupy the flat I am of the opinion that it should be considered as being capable of being occupied as a one bedroom two person dwelling. To be compliant with the THS a one bedroom, two persons flat would need to have a minimum GIA of 50 sqm. While there is disagreement about what the flat's GIA would be, if I accept the appellant's more generous figure of 46 sqm there would be a shortfall of 4.0 sqm against the minimum of 50 sqm required by the THS. I therefore find that the flat's internal area would be inadequate.

10. The layouts of the flats would mean that only the occupiers of the lower flat would have direct access to the rear garden. The occupiers of the maisonette would only be able to gain access to the garden via rear alleys in either Hildaville Drive or Fleetwood Avenue, albeit the various alleys are gated or are overgrown. Presuming that the alleys could be used by the maisonette's occupiers, the route to the garden for these occupiers would be a circuitous one. I therefore consider that the outdoor space arrangements for the maisonette's occupiers would be of limited utility and this deficiency would contribute to this dwelling providing poor living conditions for its occupants.
11. I therefore conclude that the development would provide unacceptable living conditions for its occupiers. There would therefore be conflict with Policies DM3 and DM8 of the DMD and the THS because the development would adversely affect the living conditions for its occupiers because of the inadequacy of its internal and external space provision. There would also be conflict with the fourth core planning principle (paragraph 17) stated in the National Planning Policy Framework (the Framework) because the development would not secure a good standard of amenity (living conditions) for its occupants.
12. While the second reason for refusal cites conflict with Policies KP2 and CP4 of the Southend on Sea Core Strategy of 2007 (the Core Strategy), I find these policies to be of little relevance to this main issue because they do not directly address internal or external space provision within new development.

Supply of single family houses

13. No 132 is a mid-terrace house in a street that primarily comprises houses, albeit that there are some purpose built flats at Nos 177 to 201 (odds) and 188/190. I also saw that a small number of the houses in this street appear to have been converted into flats.
14. No 132 is a not particularly large property and it appeared to me to be eminently suitable for continued occupation as a single house. In this respect no evidence, such as that from estate agents, has been submitted demonstrating that this property is no longer suitable for continued occupation as a single family house. Similarly no evidence has been provided demonstrating that there is significant unmet demand for flats in Hildaville Drive or the immediate area which this development would address. The available evidence does not persuade me that No 132's continued availability as a house would fail to contribute to meeting the area's housing need.
15. For the reasons given above I conclude that the development would result in the unjustified loss of a single family house. The development would therefore be in conflict with Policy CP8 of the Core Strategy because it would not safeguard the stock of family houses in the area.

Refuse and bicycle storage

16. The third reason for refusal alleges that it has not been demonstrated that adequate provision would be made for the storage of refuse and bicycles. Given the size of the rear garden and the availability of an existing outbuilding I am in no doubt that adequate storage space for refuse and bicycles would be available to the flat's occupiers. Although the rear garden would not be directly accessible to the maisonette's occupiers, I consider that it would be

possible to store bicycles within this dwelling, while its refuse storage could take place in the front garden area. Those storage arrangements could be addressed through the imposition of a planning condition.

17. I therefore conclude that the development could make adequate provision for the storage of refuse and bicycles without there being harm to the appearance of the area. In this respect I find there would be no conflict with Policy CP4 of the Core Strategy, Policies DM1 and DM15 of the DMD and section 7 (Requiring good design) of the Framework.

Other Matters

18. I accept that the development would not cause harm to the living conditions of the occupiers of neighbouring properties; that the flats would be located in an accessible location and that no significant additional on-street parking would arise; and that there would be no harm to the appearance of No 132. While those matters weigh in favour of the development I find them to be outweighed by the harm that I have identified above.

Conclusions

19. While I have found that the development could make adequate provision for the storage of refuse and bicycles, it would fail to provide its occupiers with adequate living conditions and it would result in the unacceptable loss of a single family house. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR