
Appeal Decisions

Site visit made on 12 June 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 6 July 2017

Appeal A Ref: APP/G5180/W/17/3170423
75 Mottingham Road, Mottingham SE9 4QZ

- 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 Highland Investments Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05795/FULL1, dated 13 December 2016, was refused by notice dated 16 February 2017.
 - The development proposed is described on the application form as "Conversion of 3 bed flat at 288 Court Road (Royal Borough of Greenwich) into 2 x 1 bed flats with new 1 bed flat in roof space over 288 Court Road and 75 A + B Mottingham Road with new rear dormer over both properties (Application made to R/B of Greenwich for flat conversion)".
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Appeal B Ref: APP/E5330/W/17/3174719
288 Court Road, Eltham SE9 4QZ

- 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 Highland Investments Ltd against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/4246/F, dated 13 December 2016, was refused by notice dated 25 April 2017.
 - The development proposed is described on the application form as "Conversion of existing 3 bed flat into 2 x 1 bed flats with conversion over 288 Court Road and 75 Mottingham Road with new rear dormer to form a 1 bedroom flat (application made to Bromley for roof dormer)".
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Decisions

Appeal A Ref: APP/G5180/W/17/3170423

1. The appeal is dismissed.

Appeal B Ref: APP/E5330/W/17/3174719

2. The appeal is dismissed.

Procedural Matters

3. The appeal sites are located on the corner of a parade of shops with flats above. The appeal sites consist of the first floor, second floor and the roofspace above some of the retail units.

4. 288 Court Road is located wholly within the Royal Borough of Greenwich. This proposal includes the conversion of an existing 3-bedroom flat into two 1-bedroom flats, identified on the submitted plans as Unit 1 (first floor) and Unit 2 (second floor).
5. The proposals also include the creation of a 1-bed flat (identified as Unit 3) in the roof space as well as the construction of a dormer to the rear. This element of the proposals is located above 288 Court Road in the Royal Borough of Greenwich and 75 Mottingham Road in the London Borough of Bromley.

Main Issues

6. The main issues in these appeals are:
 - The effect on the living conditions of residents of the properties with regard to internal living space; refuse, recycling and cycle storage; access to amenity space; and outlook & light.
 - The effect of the proposals on the character and appearance of the host property and surrounding area.

Reasons

Living Conditions – Internal Living Space

7. Units 1 and 2 would be located within the Royal Borough of Greenwich and I note that this Borough considers that these units would meet the provisions of the London Plan 2016 (LP) and National Requirements in respect of floor area and ceiling heights.
8. Part of Unit 3 would be within the London Borough of Bromley (LBB) which states in its decision that the proposals would have inadequate unit sizes and low ceiling heights. The LBB refers to the LP and the LP Housing Supplementary Planning Guidance (HSPG) which, together with the Nationally Described Space Standards (NDSS), set out minimum floor space standards and ceiling heights.
9. The LBB state that Unit 3 is likely to be used as a 1 bedroom 2 person flat and would not provide a suitable Gross Internal Area (GIA) of 50m² required by the NDSS. Whilst the LBB state that the bedroom of Unit 3 would be marginally below the standard for a double bedroom as stated in the NDSS, it is of a size which is likely to be used as a double bedroom. I also note that the Royal Borough of Greenwich (RBG) assessed Unit 3 as being a 1 bedroom/2 person flat. No substantive evidence to indicate otherwise has been provided by the appellant. Based on the evidence before me, I conclude that Unit 3 would be likely to be occupied as a 1 bedroom 2 person flat and should be assessed on that basis.
10. Unit 3 would be located in the loft of the building. Due to the slope of the roof, areas of Unit 3 would have a reduced ceiling height. The NDSS states, amongst other things, that any area with a headroom of less than 1.5m is not counted within the GIA unless it is used solely for storage.
11. The LBB have provided scaled plans of Unit 3 which show that the GIA of the flat would be approximately 43.41m². This measurement excludes the communal stairwell external to the unit and areas of the flat with a headroom of less than 1.5m which are not used for storage. The area of usable

floorspace within Unit 3 would therefore be significantly below the 50m² required by the NDSS for a 1 bedroom 2 person flat.

12. The appellant contends that the Council has misread the plans. However, on the basis of the evidence provided to me, the LBB has undertaken a suitable assessment of the GIA of Unit 3 and the appellant has not provided substantive evidence to contradict this. Although the appellant asserts that the ceiling height for the majority of the flat would be 2.3m, this does not address the harm resulting from the extent of the flat with a limited ceiling height and its impact on the GIA.
13. I conclude that Unit 3 would not provide suitable internal living space with resultant harm to the living conditions of future residents.

Living Conditions – Refuse, Recycling and Cycle Storage

14. Policy H5 of the Royal Greenwich Local Plan¹ (RGLP) requires residential development to make adequate provision for waste recycling. I also note that the Street Services Strategy Manager of the RBG has requested information on existing and proposed waste storage but has had no response from the appellant on this issue.
15. The proposals would lead to an increase in occupation at the property with a commensurate increase in demand for refuse storage. I saw that refuse storage is provided around the private access road to the rear. The Design and Access Statement submitted with the application states that provision for waste recycling will be 'as existing', but no substantive information has been provided about whether this area of storage is suitable for the increased demand likely to arise from the proposed flats.
16. Policy 6.9 of the LP requires that development should provide cycle parking facilities in line with specified minimum standards. No substantive information on cycle parking has been provided to me. It therefore is unclear whether there is sufficient space for the provision of cycle parking in association with the proposal.
17. I saw that access to the gated service road to the rear of the site (where some areas of storage may be available) is via a door at first floor level leading to a flight of steps, which would solely serve Unit 1 of the proposal. The location of potential external storage, and the routes to it, from Units 2 and 3 is therefore unclear.
18. In the absence of substantive evidence to the contrary, I conclude that the proposals would not include suitable provision for refuse, recycling and cycle storage for future residents of the flats. Due to the uncertainty relating to nature of communal storage to the rear of the flats and how this would be accessed, these matters could not be addressed by an appropriate planning condition.

Living Conditions – Outdoor Amenity Space

19. Policy H5 of the RGLP states that flats should provide a good-sized balcony, a terrace or enclosed communal gardens. I acknowledge that the provision of such features may not be practical in proposals relating to the conversion of an

¹ Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014

existing building. Whilst Standard 26 of the HSPG requires a minimum of 5m² of private outdoor space for 1-2 person dwellings, it also states that in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. However, from the evidence before me, additional internal living space would not be provided within the proposed flats.

20. Whilst there may be areas of amenity or open space in the vicinity of the appeal site, no substantive evidence has been provided to me in relation to these facilities or the routes to gain access to them.
21. I therefore conclude that suitable provision has not been made for private open space in association with the proposal, with resultant harm to the living conditions of future residents.

Living Conditions – Outlook and Light

22. Unit 3 would have a single aspect with the windows of the living room and bedroom facing to the rear of the property. These windows would be located in close proximity to a parapet wall to the rear which would partially obscure the windows. However, the extent of obstruction would be very limited and the main extent of the windows would be unimpeded. Due to the limited extent of the obstruction and the elevated position of the windows, I consider that the parapet wall would not represent such an obstruction as to unduly harm the outlook of residents or the amount of light reaching the flat.
23. I conclude that the proposals would not unduly harm the living conditions of future occupiers with regard to outlook and light. In this respect, the proposals would not conflict with Policy BE1 of the Bromley Unitary Development Plan 2006 (BUDP), Policy 3.5 of the LP and the advice of the HSPG.

Character and Appearance

24. The proposals would involve the construction of a flat roofed dormer to the rear of the roof of the property. The dormer would not be visible from the front of the property.
25. Whilst the dormer would create a box-like addition on the rear roof slope, this would only be visible from the rear of the property and would be contained within the angled corner of the roofscape where the building turns at the junction between Mottingham Road and Court Road. A sloped brick parapet to the rear would also screen the dormer in views from the surrounding area.
26. Due to the limited scale and visibility of the dormer I consider that it would not be visually intrusive or appear as an unduly top heavy addition to the building. Because of the specific circumstances of the site, including its location within the corner of the building and the screening provided by the parapet wall, the proposals would also not set a precedent for rear dormers on adjacent properties.
27. I conclude that the proposals would not harm the character and appearance of the host property or the wider area. On this basis the proposals would not conflict with Policies 7.4 and 7.6 of the LP which relate to local character and architecture. The proposals would also not conflict with Policies DH1 and DH(a)

of the RGLP or the Residential Extensions Supplementary Planning Document² in respect of the design of residential extensions.

Conclusion

28. Notwithstanding my conclusions in relation to character and appearance as well as outlook and light, I conclude that the proposals would be harmful to the living conditions of future residents with regard to internal living space; refuse, recycling and cycle storage; and outdoor amenity space. The proposals would therefore conflict with Policies H5, IM(b) and IM(c) of the RGLP. The proposals would also conflict with Policy BE1 of the BUDP. The proposals would conflict with Policies 3.5, 6.9 and 5.16 of the LP as well as the provisions of the National Planning Policy Framework in respect of seeking a good standard of amenity for future occupants of buildings. The proposals would also be contrary to the advice of the HSPG.
29. I acknowledge that the proposals would add to the supply and mix of housing in an area of high demand, albeit to a limited degree. They would involve the conversion of an underused property and provide accommodation in a sustainable location. However, these benefits do not outweigh the identified harm.
30. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

David Cross

INSPECTOR

² Residential Extensions, Basements and Conversions Supplementary Planning Document 2016, Royal Borough of Greenwich.