
Appeal Decision

Site visit made on 6 June 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/V5570/W/17/3170789
6 Caedmon Road, Islington, London N7 6DH

- 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 Kirpal Singh against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3154/FUL, dated 25 July 2016, was refused by notice dated 9 November 2016.
 - The development proposed is ground floor extension with mansard roof level with minor internal alterations to convert the single family dwelling into three self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would result in the loss of a family home, add to the over-supply of small sized units in the Borough and provide an appropriate mix of housing; and
 - The effect of the proposal on the living conditions of future occupiers with specific reference to internal floor space and ceiling heights.

Reasons

Over-supply of small sized units

3. Policy CS 12 of the Council's Core Strategy (2012) seeks to provide more high quality, inclusive and affordable homes. Criterion E requires a range of unit sizes within each housing proposal and resists the loss of existing units that are appropriate for the accommodation of families. Policy DM3.3 of Islington's Local Plan: Development Management Policies (DMP) 2013 relates to residential conversions and extensions and states that in order to maintain a supply of larger homes to meet Islington's housing need the conversion of residential units will normally only be permitted where the total floor area is in excess of 125m² (gross internal) and the proposal meets a number of criteria. Criterion 3 requires that at least one three bedroom and one two bedroom unit should be provided in conversions of dwellings in excess of 140m² of existing floor area, unless exceptional circumstances can be demonstrated.
 4. The supporting text clarifies that limiting the supply of one bedroom units in favour of delivery of two and three bedroom units is in order to contribute to the housing size mix requirement identified in Table 3.1 of the DMP which is based on an analysis in the 'Balancing Housing Markets Assessment' (BHM).
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5. Policy DM3.3 of the DMP is consistent with paragraph 47 of the National Planning Policy Framework (the Framework) which states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.
6. Furthermore, there is consistency with paragraph 50 of the Framework which states that local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Significant weight can, therefore, be attached to Policy DM3.3 of the DMP in my Decision.
7. It is proposed to convert an existing single dwelling into three self-contained flats including two 2 bedroom and one 1 bedroom flat. The existing internal floor space is 150m² and would, therefore, meet the 125m² threshold in Policy DM3.3. However, whilst the proposal would deliver the two-bedroom unit required by Policy DM3.3 it would not provide a three bedroom unit. Furthermore, no exceptional circumstances have been advanced as to why a three bedroom flat cannot be provided. Consequently, there is clear conflict with criterion 3 of Policy DM3.3.
8. The appellant contends that it is not realistic for a scheme of this size to address every need; however, the host property is large enough to accommodate a three bedroom flat. It is also suggested that the proposed mix of flats would reflect the type and size of flats required in the locality, however; there is no evidence to support this assertion. Furthermore, the Council clarify that the need for two bedroom homes is specifically in the social rented sector, not the private (market) rented sector.
9. For the reasons stated above, I conclude that the proposal would result in the loss of a family home, add to the over-supply of small sized units in the Borough and fail to provide an appropriate mix of housing. It would, therefore, be contrary to Policy CS12 of the Core Strategy and DM3.3 of the DMP.

Living Conditions of Future Occupiers

10. Policy DM3.4 of the DMP states that all new housing, including conversions are required to provide accommodation that meets housing standards including, amongst other things, internal floor space standards and floor to ceiling heights. The Policy requires an internal floor area of 70m² for two double bedroom (2 bed, 4 person) flats, however, the internal floor area of proposed Flat A would be 63m² and thus falls marginally short of the requirement.
11. The Written Ministerial Statement of 25th March 2015 introduced the Nationally Described Space Standard¹ (standard) which has been incorporated into the Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016 and which replaces the standards set out in Table 3.2 of the DMP. The Standard states that a double bedroom must have a floor area of at least 11.5m². I note that the second bedroom of Flat A does not meet the floor space requirement for a double bedroom and thus it would be classed as a single bedroom. Consequently, the flat would be classed as a two bedroom 3 person flat and the internal space standard would be 61m². Flat A would, therefore, meet the internal floor space requirement of the new Standard.

¹ Technical housing standards-nationally described space standard DCLG (2015)

12. The proposed mansard roofs would accommodate two bedrooms which would have internal floor to ceiling heights of 2.4m and thus fall short of the 2.6m required by the Policy. The new Standard states that the minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area. Although there are no detailed measurements before me, as the internal floor to ceiling height would be 2.4m and as the mansard roof is largely flat, it is likely that this requirement would be met.
13. Consequently, on the basis of the Standards, I conclude that the proposal would provide acceptable living conditions for future occupiers with regards to internal floor space and ceiling heights. The proposal would not, therefore, conflict with Policy 3.5 of the London Plan 2016, Policy CS12 of the Core Strategy and Policies DM2.1 and DM3.4 of the DMP which collectively seek to ensure high quality design with adequately sized rooms which provide a good level of amenity.
14. Policy 3.6 of the London Plan relates to external amenity space and is not, therefore, relevant to this main issue.

Other matters

15. Criterion G of Policy CS12 of Islington's Core Strategy requires that 50% of additional housing to be built in the Borough over the Plan period should be affordable. In addition, all sites capable of delivering 10 or more units gross should provide affordable homes on-site. Schemes below this threshold will be required to provide a financial contribution towards affordable housing provision elsewhere in the Borough.
16. The Islington Affordable Housing Small Sites Contributions Supplementary Planning Document (SPD) 2012 requires all minor residential developments resulting in the creation of one or more additional residential unit(s) to provide a commuted sum of £50,000 per unit towards the costs of providing affordable housing units on other sites within the Borough.
17. The Council consider that in the event that the appeal were to be allowed, the proposal should make a contribution to off-site affordable housing by way of a section 106 agreement; however, such an agreement is not before me. As I am dismissing the appeal on other grounds it is not necessary to consider this matter in any further detail.

Planning Balance

18. I have found that the proposal would not have a harmful effect on the living conditions of future occupiers. Furthermore, the proposal would provide some benefits in terms of the contribution, albeit limited, to housing supply and the potential for affordable housing. The proposal may also provide some economic benefits in the short term during the construction phase and the longer term by future occupiers supporting local businesses. However, these benefits would not outweigh the public policy disadvantage of the loss of a family sized residential unit and an over-supply of small sized units.

Conclusion

19. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector