



Appeal Decision

Site visit made on 30 May 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 8 August 2017

Appeal Ref: APP/R3650/W/17/3169898
32A, Kings Road, Haslemere, GU27 2QG

- 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 Peter Steele against the decision of Waverley Borough Council.
 - The application Ref WA/2016/2413, dated 9 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is described as "Retrospective planning application for the use of permitted annexe as independent self-contained unit".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: **first**, whether satisfactory living conditions would be provided for occupants of the residential unit of accommodation for which permission is sought; **second**; the effect of the development on the convenience of those locally and on the character and appearance of the surrounding area; and **third**; other matters and the overall planning balance arriving from a stated absence of a 5 year housing land supply.

Reasons

Living condition of future occupants

3. The appeal building was at one time a semi-detached house. It is on a site which slopes steeply to the rear so the property has more floors of accommodation at the rear than at the front. The property has been subdivided to provide 3 residential flats. A few years ago permission was granted for a 2 storey extension and alterations at the rear of the property to add to the accommodation of the bottom flat. At rear garden level this provided an additional bedroom and en-suite and above that a dressing area. The permitted extension has been built. An internal staircase and doors was to link this to the existing flat.
4. However, the bottom floor is now occupied as a separate unit of accommodation with no links to the flat above. Permission is sought, retrospectively, for this new independent unit of accommodation. The accommodation provided comprises one main room, a well fitted out kitchen and a shower/wc. It is in good decorative order. The Council considers that the

new unit of accommodation has a floorspace of 27.5m² and the appellant says it is 33.5m². Neither party has provided their workings for the measurements given. However, for reasons given later I do not consider the difference to be crucial.

5. The Council says that new unit is too small to provide acceptable living conditions. In support of this the Council, which has no Local Plan Policy on internal space standards, refers to the Government's Planning Practice Guidance (PPG): *Housing – Optional Technical Standards (H-OTS)*. In particular reference is made to the fact that for 1 bedroom 2 bed-space flats it advises that a minimum of 50m² gross internal floor area should be provided. The appellant does not dispute the standard referred to and recognizes that it is not met by the new unit.
6. The Written Ministerial Statement of 25 March 2015 makes it clear that the space standards in the PPG can only be applied where there is a relevant current local plan Policy. As the Council has no Policy on space standards a mere failure to accord with the PPG is not a matter which carries any significant weight against the development. However, the size of the accommodation may nevertheless be taken into account if it is so restricted as to provide unacceptable living conditions. In this case, even on the appellant's figures so deficient is the size of the accommodation when assessed against the *H-OTS* that I consider it would provide unacceptable living conditions. The appellant says that it has been occupied for some time by a young family with a child. This adds weight to my concern as I am in no doubt from what I saw that the accommodation would have been inadequate for this degree of occupation.
7. My view above is not changed by the fact that the conversion of offices to flats may take place as permitted development with no requirement for minimum space standards. However, when permission for development is required it is clearly appropriate to look at internal space standards given the requirement in the Framework for high quality homes. Nor, on the limited information provided, do I place any substantial weight on the RIBI report referred to by the appellant. It may be that considerable interest was shown in the property when it was marketed for rent. However, with properties clearly in demand that is no great indicator on the quality of the accommodation in terms of size.
8. Adequate garden space would be provided. However, the acceptability of the development in this regard does not make it more acceptable on this issue given the harm identified above.
9. It is concluded that satisfactory living conditions would not be provided for occupants of the residential unit of accommodation for which permission is sought. Thus there would be conflict with Policy TD1 of the Draft Pre-Submission Local Plan Part 1: Strategic Policies and Sites which requires new development to meet the needs of its users and provide appropriate internal space.

Effect on the convenience of those locally and on the character and appearance of the surrounding area

10. The Council's concern on this issue arises from the fact that no on-site parking space is proposed, in contravention of Council's *Parking Guidelines 2013* which require a minimum of 1 space per dwelling in this location. It considers that this would cause inconvenience to existing residents in the area and harm to its

character and amenity though additional on-street parking. The Council does, though, have no highway safety concerns with the proposal.

11. There is along Kings Road in the vicinity of the site a mix of double yellow lines and permit holder restricted parking at certain times. With the degree of on-street parking already on lengths of the road I see no harm in terms of the character and appearance of the area with some additional on-street parking.
12. Turning to the matter of inconvenience to local residents I take this to comprise a concern that those locally might find it more difficult to find spaces to park on the highway. The existence of so much permit holder restricted parking in the road at certain times is evidence of likely parking stress on the road in the vicinity of the site and no survey evidence has been provided to the contrary. This points to a need to prevent additional on-street parking to ensure the harm alleged by the Council does not arise. I appreciate that the degree of additional parking that may arise would add only a minor degree of inconvenience in its own right to those locally. However, this argument could be used too frequently, and the cumulative impact of additional on-street parking from further development could be severe.
13. In arriving at the above view I have noted the appellant's observations on the proximity of the site to public transport and some services. However, the Council's adopted parking guidelines account for this and reflect a high level of car ownership in the area.
14. It is concluded that the proposed development would, for the reasons given, detract from the convenience of those locally. There would be conflict with Policy D1 of the Waverley Borough Local Plan 2002 which seeks to prevent loss of general amenity to neighbours

Other matters and planning balance

Other 3rd party matters raised against proposal

15. Concerns have been raised by a 3rd party alleging that an additional bin storage requirement would harm the character and appearance of the area. However, on my visit I found little to support a view of substantial harm in this regard. I note concerns on parking on double yellow lines. However, there is no substantial evidence that this occurs and even if it did it is a matter for appropriate law enforcement to prevent. These are not concerns, therefore, to which I attach any substantial weight.

Matters for proposal

16. The proposal would provide an additional residential unit in an urban area in a reasonably sustainable location and where there is said to be a substantial need for 1 bedroom units of a type which provide more affordable entry level accommodation. Moreover, according to the Council's evidence it has a shortfall in its 5 year Housing Land Supply. This is a material consideration in favour of the proposal.

Planning balance

17. In the absence of a 5 year housing land supply relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Where policies are out of date, as in this case, paragraph 14

establishes that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

18. There would be some social benefit in providing new housing of a size required in the District and where there is an absence of a 5 year housing land supply. It is Government Policy to boost significantly the supply of housing. However, no social benefit arises when, as in this case, the accommodation is of a standard that would not provide acceptable living conditions and inconvenience would be caused to those in the locality. Quite the reverse in fact. There would be some economic advantage in additional people living in the area using local services. However, given the scale of the development this would be very small. Given the foregoing I find that adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
19. The Framework says that housing applications shall be considered in the context of the presumption in favour of sustainable development. It identifies 3 dimensions to such development, an economic role, a social role and an environmental role. From my findings above it is clear that the economic role would be met, albeit only to a small degree, and there would be no conflict with the environmental role. However, the harm identified means that there would be conflict with the social role to a degree which means that, seen in the round, the proposal would not be sustainable development and would be contrary to the development plan when read as a whole.

Conclusion

20. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR