
Appeal Decision

Site visit made on 25 July 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/Z5630/W/17/3174427

34 Fullers Avenue, Tolworth KT6 7TE

- 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 and Mrs R Gyondrova against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 17/10056/FUL, dated 8 February 2017, was refused by notice dated 7 April 2017.
 - The development proposed is described as "conversion of the part double and part single storey side extension under construction with an additional rear extension at first floor level to house a new 1 bedroom 1 person self-contained dwelling house".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is not clear whether the set of alternative plans submitted with the appeal have been subject to any consultation. I have considered the appeal on the basis of the plans referenced on the Council's decision notice.

Main Issues

3. The first is whether the occupants of the existing dwelling would have satisfactory living conditions with respect to the size and nature of the external amenity space. The second is whether the occupants of the proposed dwelling would have satisfactory living conditions with regard to the size of the unit.

Reasons

Remaining dwelling

4. The appeal site is within a residential area with mainly short terraces of dwellings with good sized, private rear gardens and less private front gardens behind hedges and walls. The appeal site has a front garden behind a low brick wall and alongside a driveway and parking area.
5. It is agreed between the appellant and the Council that the external rear garden space that would remain with the existing dwelling would be 30m² with the same amount of area for the proposed dwelling. The Council's Residential

Design Guide¹ (RDG) requires a minimum of 50m² of private garden space for family accommodation. The alterations would lead to the existing dwelling having 3 bedrooms thereby providing comfortable family accommodation. The proposed amount of external private space would be well below the size advised within the RDG. Although some space would be available at the front of the dwelling, this would not be private and even taking this into account, the total amount of garden space would not meet the requirement within the RDG.

6. The rear garden space would be constrained due to the line of the rear boundary with No 36 and the narrowness of it towards the rear. This would limit the usefulness of the area for a family requiring external play and general sitting out space. It is also not clear from the evidence provided to what degree the physical presence of the additional dwelling and additional enclosure of this space would have due to any loss of sun-light which could also impact upon the enjoyment of the area. I am therefore concerned about the quality and size of the proposed amenity space for the existing dwelling.
7. In relation to this main issue, the occupants of the existing dwelling would not have satisfactory living conditions with respect to the size and nature of the external amenity space. This would not comply with the advice within the RDG or with Policy DM13 of the Core Strategy² (CS). In this respect, the proposal would not comply with the requirement in paragraph 17 of the National Planning Policy Framework (the Framework) to secure a good standard of amenity for all existing and future occupants of land and buildings.

Proposed dwelling

8. The appellant states that the gross internal floorspace of the proposed unit would be 47.1m² which differs from what is stated on the submitted plans. The Council are also in disagreement on the correct figure stating that it would be 36.72m². The difference is very significant given that this would be a small single-person dwelling. Both parties have referred to the 'Technical Housing Standards – Nationally Described Space Standard' (the housing standards). The Council has not commented upon the appellant's clarification of floorspace which has included illustrations of how this has been worked out within the grounds of appeal. I consider that the revised figure appears to be a more accurate reflection of what is proposed.
9. The housing standards do not prescribe a minimum floorspace for a 1-person 1-bedroom, 2-storey dwelling although do not explicitly preclude such accommodation. I am not directed to a policy within the CS that would prevent 2-storey, 1 bedroom dwellings. The standards refer to the extra circulation space needed for stairs between floors. The appellant has taken this into account and considers a factor of 1.16 should be applied to the minimum figure of 37m² for a 1-person, 1-bed flat (with shower room). This takes account of the proportionate increase required when larger accommodation is split over 2 storeys. However, that would only allow 5.9m² for circulation space. The additional space required in the housing standards for a small 2-person 2-storey dwelling compared with a single storey flat is 8m² and I consider that this would be a more reasonable figure. Based upon the appellant's clarified

¹ Royal Borough of Kingston Upon Thames, Local Development Framework, Residential Design Guide, Supplementary Planning Document, July 2013 (amended November 2013)

² Royal Borough of Kingston Upon Thames, Local Development Framework, Core Strategy, adopted April 2012

figures however, at 47.1m² the flat would sufficiently take account of both ways of looking at this.

10. The Council has concerns about the width of the bedroom and that relates to the area between the bedroom and the shower-room. Whilst this does narrow, there would be sufficient space around the position of the bed in the main part of the bedroom. Access through to the toilet and shower room would not be overly constrained in my opinion.
11. Overall, although the level of internal accommodation is modest, I consider that it would be adequate for a single person. In relation to this issue, the occupants of the proposed dwelling would have satisfactory living conditions. This would comply with CS Policy DM13. In this respect, the proposal would comply with the requirement in paragraph 17 of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

12. The site is located in a busy, accessible part of London. The additional small dwelling in this area would be beneficial to the housing stock of the area and would make better use of the site. However, this and my conclusion on the second of the main issues does not outweigh my concerns in relation to the first main issue.

Conclusion

13. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR