
Appeal Decision

Site visit made on 25 July 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 22 August 2017

Appeal Ref: APP/D5120/W/17/3173165
35a Forest Road, Erith DA8 2NU

- 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 Mrs Joyce Haastrup against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02715/FUL, dated 4 November 2016, was refused by notice dated 23 February 2017.
 - The development proposed is change of use from barbers with maisonette above to studio flat with maisonette above.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the proposed development would provide adequate living conditions for future residents in terms of the provision of internal living space and private outdoor space.

Reasons

3. The appeal site comprises a two storey building attached to the northern end of a parade of shops. There are houses and flats in the immediate surrounding area as well as residential uses above the shops.
4. The planning history of the site shows that the building was originally a public convenience and permission was granted for change of use to a barbers shop and a first floor extension in 2012. The evidence shows that the upper floor was shown as a rest room for the retail use below. An application seeking removal of a condition attached to that permission in order to secure use of the first floor for living accommodation was refused on the grounds that it would provide sub-standard accommodation and so conflict with development plan policy.
5. The current proposal seeks to change the use of the ground floor barbers shop to a self contained studio flat. The proposed plans also show alterations to the upper floor and its use as a one bedroomed flat. There is an existing staircase to the first floor with an independent access from a door in the north elevation. Separate entrance would be gained to the ground floor from what is currently the shop doorway.

6. The development plan for the area includes The London Plan¹ (LP) , Bexley Core Strategy (adopted February 2012) (CS) and the London Borough of Bexley Unitary Development Plan adopted April 2004 (UDP). The LP is supported by the Mayor of London's Housing Supplementary Planning Guidance (SPG) adopted in March 2016 which states that all new dwellings should meet the nationally described space standard². The relevant standards are 37 sq m minimum Gross Internal Area (GIA) for a 1 bed 1 person flat with a shower room and 50 sq m for a 1 bed 2 person flat. The SPG sets out that the space standards are minima and should be exceeded where possible.
7. The LP includes at Table 3.3 the same minimum space standards which are applied within the context of Policy 3.5 of the LP. This policy sets out that housing developments should be of the highest quality and that Boroughs' Local Development Frameworks should generally conform with Table 3.3. Policy 3.5 does not preclude single person homes of less than 37 sq m but makes clear that these should be of otherwise exemplary design and make significant contributions towards the LP's wider objectives. The Council's evidence shows the GIA areas of the appeal proposals to be 28 sq m at first floor level (including the stair well) and 24 sq m at ground floor level.
8. The proposed plans show new windows to the ground floor with the studio flat comprising a single room plus shower room and an under-stair storage area. The first floor shows a flat with a bedroom, a kitchen/living area and shower room. Existing first floor window arrangements would be modified to include French windows and a Juliet balcony to the bedroom.
9. Despite the alterations proposed, the floor areas for each unit would be substantially below the relevant space standards. From what I experienced during my site visit, the proposed dwellings would be cramped and the proposals would not meet the exemplary design standards expected by development plan policies where housing falls below space standards. The Council confirm that they meet their housing land supply targets and I find nothing in the evidence which would justify the small floor area of the proposed accommodation.
10. The Council's UDP Policy ENV39 requires amongst other matters that all new development including changes of use are of a high standard of design and layout. Although the Council's reason for refusal includes conflict with UDP Policy H11, this addresses the conversion of dwellings into smaller units, requiring each new dwelling to have a minimum gross floor area of 50 sq m. I consider the space standards set out in the LP and based on the nationally described space standards are more relevant to the appeal proposal.
11. The proposal would result in unacceptable living conditions for future residents due to the lack of adequate internal space. This would be exacerbated by the lack of any external space. The Housing SPG sets out a standard of 5 sq m for each 1 or 2 person dwelling. Furthermore, given that the pavement extends to the front of the building, the proposed ground floor living space would also be likely to suffer from a lack of privacy. Although the proposals would add to the housing stock, the benefits of such an addition would be heavily outweighed by the sub-standard accommodation which would be provided. Whilst the

¹ Mayor of London: The London Plan, The Spatial Development Strategy for London Consolidated with Alterations since 2011. Adopted March 2016

² DCLG Technical housing standards – nationally described space standard 2015

appellant states that other flats in the area do not have external space, this is not sufficient to alter my conclusions in relation to the main issue for the reasons set out above.

12. I therefore find that the proposals would conflict with LP Policy 3.5, the London Housing SPG and UDP Policy ENV39. The proposal would also fail to comply with CS Policy CS01 to the extent that it would not ensure housing provision meets the needs of the future population including those who are unsuitably housed. The proposal would also not meet the vision for Erith region set out in CS Policy CS04 as it would not provide high quality residential development and so would not improve the quality of the built environment.

Other matters

13. The appellant has provided an appeal decision³ from another local planning authority which is not a London Borough. I consider this decision, where the main issue was the loss of a retail use, to be of very limited relevance to the appeal which is before me and I have not attached weight to it in reaching my decision.

Conclusion

14. For the reasons set out above and having taken all matters raised into account I conclude that the appeal should be dismissed.

J E Tempest

INSPECTOR

³ APP/A2280/A/13/2210853