
Appeal Decision

Site visit made on 24 November 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 07 December 2017

Appeal Ref: APP/E5330/W/17/3180225

1 Market Street, Woolwich SE18 6FU

- 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 Sukumar Saha against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/4101/F, dated 9 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is the change of use of part ground floor from office to create a new 1 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part ground floor from office to create a new 1 bedroom dwelling at 1 Market Street, Woolwich SE18 6FU in accordance with the terms of the application, Ref 16/4101/F, dated 9 December 2016, subject to the following conditions:
 - 1) Within 3 months of the date of this decision, full details of the refuse storage facilities / bin stores and refuse collection and cycle storage arrangements, hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The agreed facilities shall thereafter be retained for their specified use.
 - 2) The flat shall only be occupied on a permanent basis by 1 person.

Main Issues

2. The main issues in this case are as follows:
 - Whether the flat is of a suitable size to provide adequate living conditions for its resident(s)
 - Whether adequate refuse and recycling storage areas can be provided on site.

Reasons

3. The Magistrates Court is a grade II listed building located on the edge of Woolwich town centre. The two storey red brick building has substantial rubbed red brick quoins and ashlar Portland stone dressings in the form of a large plinth, window surrounds and central portico. The building no longer functions as a Court and is filled by a mix of commercial and residential uses. At ground floor level these occupy roughly the central and outer areas of the building respectively; offices fill the core of the building, including the former main court

room, with flats set around the majority of the outer part of the building. The building is largely surrounded with roads, although the east side of the building has a courtyard situated along the side of the structure which houses waste and cycle storage.

4. Flat 1 is located on the west side of the building, and is accessed via the main entrance doors. The former offices have already been converted into residential use and are occupied. The flat contains 3 main rooms; a living/dining area, a bathroom and a bedroom. Natural light is provided to the flat via two windows on the Market Street façade. The flat feels quite light and airy due to the windows, and this impression is helped by the high ceilings within the listed building.
5. The flat is detailed as measuring some 33.7m². Policy 3.5 of the London Plan¹ states that housing developments should be of the highest quality internally and that local development frameworks should incorporate minimum space standards with 1 storey 1 bedroom properties with 1 bed spaces having a minimum size of 39m², or 37m² if the property has a shower instead of a bath. 1 storey 1 bedroom properties with 2 bed spaces should be of a minimum of 50m². Such standards are the same as those within the Government's technical housing standards². Policy H5 of the Local Plan³ states that all new residential conversions will be expected to achieve a high quality of design.
6. The flat's bedroom currently has a double bed within it and so could conceivably be home to 2 people. However, evidence states, both from the appellant and the flat's resident themselves that only 1 person lives in the flat and the double bed is their choice in a single bedroom. I have taken this evidence at face value. Use of the flat to one person could be conditioned and this is proposed by the appellant. On this basis the flat, given that it has a bathroom, is some 5.3m² short of meeting the minimum space standards within the London Plan, and is thus contrary to this policy.
7. Internally the flat is modern. The living/dining area contains a well equipped kitchen, a desk and chair, bookshelves, small dining table and chairs, and a two seater sofa. The bedroom contains the double bed and small bedside tables, as well as a wardrobe and further desk. A storage cupboard is also accessed off this room. Finally, the bathroom is of a reasonable size and contains a bath with shower over. While therefore compact, the flat contains a wide range of furniture and has adequate storage areas within it. Furthermore, the height of the ceilings and the windows helps to give the flat a fairly light air and feeling that may not be available to similar sized spaces in more modern buildings.
8. The flat is located in a sustainable location, on the fringes of the town centre, only a short walk from shops and the Woolwich Arsenal train station. The flat also sits comfortably within the former offices in the Court building and has not required any significant alterations to the listed building, providing a viable use for the heritage asset.
9. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

¹ The London Plan consolidated with alterations since 2011, March 2016.

² Technical housing standards – nationally described space standard, Department for Communities and Local Government March 2015

³ Royal Greenwich Local Plan Core Strategy with Detailed Policies, July 2014.

considerations indicate otherwise. The flat is contrary to Policy 3.5 of the London Plan. However, when taking all considerations into account, including the location, the evidence of the flat occupant, the well organised space within the flat and the feel of the space due to the high windows and ceilings, and the nature of the building that the accommodation sits within I consider that the flat is of a suitable size to provide adequate living conditions for its resident, and that such considerations outweigh in this one particular instance the requirements of the development plan. Furthermore, I am also of the view that due to the reasons given above, the scheme complies with the aims of Policy H5 of the Local Plan to achieve a high quality of housing design in an integrated environment.

Refuse and recycling storage

10. Policy DH1 of the Local Plan is stated to seek to encourage waste reduction by the reuse and recycling of waste, and policy H5 states that residential development shall have adequate provision for waste recycling. The appellant's design and access statement notes that a lidded 3 compartment bin is provided within the kitchen to allow separate storage of general refuse and recycling.
11. At my site visit I saw the existing waste and recycling storage at the side of the building. 2 large 1100 litre bins are provided for refuse and 2 for recycling uses, with an additional 240 litre bin for organic waste. These provide waste and recycling storage for the existing residential uses within the building but there is ample space within the area for further bins if required, including space for more 1100 litre bins and a defined area for a further green bin.
12. Subject to further details, which could be conditioned, I therefore consider that the flat has, or could simply have adequate provision for waste and recycling on site. The flat's arrangement, subject to such a condition, would comply with policy H5 of the local plan and the stated aim of Policy DH1.

Other matters

13. Concern is raised over the lack of private outdoor space for the unit. The Housing SPG⁴ states that a minimum of 5m² of such space should be provided for each 1-2 person dwelling. Supporting text notes that in exceptional circumstances the space could be added to the internal living space. The courtyard at the side of the property, although of a reasonable size, is restricted in terms of quality and light. However, the provision of private outdoor space is no different to the other flats within the Magistrates Court. In this regard I note that the Council Officer's report states that "due to the heritage asset it forms part of and the site itself restricts such a provision and this is taken into consideration". The same circumstances apply to this flat and the others within the complex, and therefore I consider that given the circumstances the guidance contained within the SPG is outweighed on this one occasion.

Conditions

14. The Council suggest various conditions relating to works to be undertaken within the flat, given the listed status of the host building. However, the flat already exists and works have thus been undertaken. The rooms are fairly

⁴ Housing Supplementary Planning Guidance, Mayor of London March 2016

modern and I note that the listing states that the front offices have been modernised and retain few fittings of interest. As such I do not consider that such conditions are necessary or reasonable.

15. As referred to above I have imposed conditions relating to waste and recycling storage, the details of which are to be submitted for approval to the Council within 3 months of the date of this decision, in the interests of waste reduction. I have incorporated a requirement for cycle storage to be agreed within this condition. Finally, as stated above, I have also imposed a condition restricting the permanent occupancy of the flat to one person, in the interests of the living conditions of the resident of the flat. Both conditions are both reasonable and necessary.

Conclusion

16. I have concluded that the flat is of a suitable size to provide adequate living conditions for its resident and that it has adequate provision for waste and recycling on site. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that that the appeal should be allowed.
17. This decision should not be taken that I disagree with the thrust of the Housing SPG or the space standards, but that in this one particular unique case the individual circumstances lead me to a decision that is contrary to such policy and guidance.

Jon Hockley

INSPECTOR