



Appeal Decision

Site visit made on 14 November 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 11th December 2017

Appeal Ref: APP/G5180/W/17/3180550

Valet House, Old Homesdale Road, Bromley BR2 9LJ

- 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 Graham Craker against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00754/FULL2, dated 20 February 2017, was refused by notice dated 17 May 2017.
 - The development proposed is elevational alterations and change of use of building from garage on ground floor with first floor office to two bedroom self-contained dwelling with car parking and landscaping adjacent.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for future occupiers.

Reasons

3. The proposal would utilise the ground floor of the building to provide a kitchen and living area, whilst the attic space would be utilised for two bedrooms and a shower room. The total floor space for the attic floor would be in excess of 23sqm. However this would include the areas with significantly reduced head height.
4. The introduction of 2 bedrooms would mean that the bedrooms failed to comply with the Technical Housing Standards (THS). Bedroom 1 would be some 2.35metres in width, which would fall short of the 2.75metres required by the THS. In addition to this the bedrooms would utilise areas below 1.5 metres in height. This would conflict with paragraph 8 of the THS which requires any area with headroom of less than 1.5metres as being discounted for the purposes of calculating the gross internal area unless that area is to be used for storage. On the basis of the evidence this does not appear to be the case in respect of the bedrooms.
5. A substantial proportion of the first floor space is of limited use due to the sloping roof, the modest proportions of the front dormers and the loss of space to provide the staircase. The extent of headroom which would fall below 1.5 metres is relatively small. However, the proposal would have the capacity to

be occupied by 3 people, and therefore I consider that it would be important to provide adequate arrangements for those occupiers in respect of bedroom space. On the basis of the evidence before me, the scheme would not appear to achieve this.

6. I appreciate that conversions can lead to some constraints in terms of elements such as the physical layout of the scheme. However, I do not consider that the appellant's desire to convert the space into two bedrooms outweighs the harm to living conditions identified above.
7. The ground floor would be in excess of 53 sqm, providing a separate kitchen area from that of the general living space. Habitable rooms in the attic and on the ground floor would be served by windows and I am satisfied that occupiers would have sufficient access to natural light.
8. The use of the attic for residential purposes was previously dismissed at appeal¹, largely due to concerns relating to the constrained head height and lack of natural light. The scheme before me is materially different as it would provide accommodation on both the ground and first floor. Therefore occupants would not be constrained to the attic space. Having conducted my site visit and upon assessing the evidence I consider that the proposed space would have adequate access to light. However, I have found that the proposal would provide inadequate headspace and floorspace with regards to the 2 bedrooms. I note that the previous Inspector stated that the use of space below 1.5metres counted against the development but was not determinative in their decision. However, this scheme is materially different in regards to its configuration and the increased occupancy. I have, as required by law, determined this appeal on its own merits.
9. Consequently, I find that the proposal would fail to provide adequate living conditions, with particular regard to the limited floorspace in Bedrooms 1 and 2. It would therefore conflict with policy H12 of the Unitary Development Plan 2006 (UDP) with regards to achieving a satisfactory quality of accommodation. The proposal would fail to comply with Policy 3.5 of the London Plan with regards to providing adequate space standards in Bedrooms 1 and 2.
10. With regards to access to natural light I find that the proposal would comply with Policy BE1 of the UDP in respect of ensuring the amenity of occupiers with regards to providing adequate daylight.

Other Matters

11. At the time of my site visit the space was laid out for office use, although it did not appear to be occupied. However, the site is in a mixed residential and commercial location, and based on the evidence before me I am not convinced that the appellant has demonstrated that the site is not required for commercial purposes.

Conclusion

12. I have found that the proposal would not provide sufficient floor space in Bedrooms 1 and 2. Due to the possible level of occupancy of the property I consider that it would be necessary to provide adequate floor space. On the other hand I have found that the proposal would provide adequate living

¹ APP/G5180/W/15/3133413

conditions with regards to the provision of natural light. However, this positive factor would not outweigh the harm that I have identified in respect of the floorspace.

13. Therefore, for the reasons above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Ayres

INSPECTOR