The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2018

by M Allen BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2018

Appeal Ref: APP/P5870/W/18/3202303
46 Colston Avenue, Carshalton SM5 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 Jolanta Sawicka against the decision of the Council of the London Borough of Sutton.
- The application Ref C2017/77945/FUL, dated 11 August 2017, was refused by notice dated 10 November 2017.
- The development proposed is described as "Part first floor side extension, single storey rear extension and house dividing into two flats: three bedroom flat on the ground floor and three bedroom flat on first and loft level".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council confirms that the Sutton Local Plan (2016-2031) (the Local Plan) was adopted as the development plan on 26 February 2018 and the policies of this plan are relevant. These policies are referred to in the decision notice and the appellant has been given the opportunity to comment. There would be no injustice caused by me determining the appeal in light of the newly adopted policies, which is what I have done.

3. Since the submission of the appeal the government has issued a revised National Planning Policy Framework ('the Framework'). In relation to the main issues in this appeal the advice of the Framework has not materially changed. As such there would be no prejudice in my considering the appeal in light of the revised Framework.

Main Issues

4. The main issues are (i) the effect on the living conditions of the occupiers of Flat B, with particular regard to internal living space and outdoor garden space and (ii) whether or not the dwelling is suitable for conversion into two flats having regard to local housing needs

Reasons

Living conditions

5. Flat A would occupy the ground floor of the building and would have an access from the front elevation. Flat B would comprise the first and loft floors of the

building, accessed from the side elevation. It has been argued by the appellant that Flat A is a 3 bed, 5 person unit of accommodation but that Flat B is a 3 bed, 4 person unit. However, the submitted floor plans show three bedrooms for each unit, comprising two of 12 sqm and one of 8 sqm, in both units. Therefore on the basis that the bedroom sizes would be the same in each of the flats, in my view and based on the evidence before me, each should be considered a 3 bed, 5 person unit.

6. Policy 9 of the Local Plan requires that new residential development, including conversions, meet the internal space standards as set out in the London Plan. These standards are specified in Table 3.3 of Policy 3.5 of the London Plan; for a unit over two storeys, as Flat B is, a 3 bed, 5 person unit is required to be a minimum of 93 sqm. The floor plans show that Flat B would provide 84 sqm of floor space. The scheme would therefore fail to accord with this minimum floor space requirement.

7. Table 3.3 also strongly advocates the requirement for a minimum ceiling height of 2.5m for at least 75% of the gross internal area; this is over and above the nationally described space standard of 2.3m for at least 75% of the internal area. The appellant states that the first floor has a ceiling height of 2.4m and the loft level has a ceiling height of 2.3m. From my observations at my site visit, the ceiling height of 2.4m at first floor level would be over the whole of the floorspace of this level. At loft level the 2.3m height would be only over part of the floorspace, with the pitch of the roof severely limiting the ceiling height over the remainder. This, coupled with the deficiency in floorspace over the whole of Flat B, as identified above, would result in a substandard quality of accommodation and therefore unacceptable living conditions for the occupiers of this unit.

8. Flat A would have direct access to an area of the rear garden. Flat B would have access to an outdoor garden area, accessed via a pathway along the side of the garden area available to Flat A. This would necessitate exiting the flat via the stairs. Whilst there may be some inconvenience associated with this, the occupiers of Flat B would have access to a private, outdoor garden area, suitably sized, which would provide the opportunity to sit outside, hang washing, etc. As such, in my view, the scheme makes adequate provision for outdoor garden space.

9. Whilst I have found that there would be acceptable provision of outdoor garden space, this does not outweigh that the scheme would fail to provide living accommodation of adequate size and quality and therefore would not provide adequate living conditions for the occupiers of Flat B. I therefore find the scheme would not accord with Policy 9 of the Local Plan. Neither would it comply with Policy 3.5 of the London Plan. Together these policies seek to ensure that new development is of an appropriate size to cater for the borough's current and future residents and provides better quality accommodation.

Suitability of dwelling

10. The proposed scheme involves the conversion of a single house into two flats. Policy 10 of the Local Plan sets out the circumstances where the conversion of existing dwellings will be allowed. The site is not within an Area of Potential Intensification, where the increase in housing numbers through conversion will be permitted. Furthermore, the Gross Internal Floorspace (GIF) falls below that

required by Policy 10 to make the property suitable for conversion. Whilst the dwelling has been extended, increasing its floorspace, the policy specifically excludes extensions from the required GIF figure. The Council states that the floorspace of the un-extended property was 79 square metres (sqm), whereas the policy requires properties to be of at least 125 sqm in order to be converted.

11. Consequently, the dwelling is not suitable for conversion and the proposal would be contrary to Policy 10 of the Local Plan, which seeks to ensure that buildings are converted in such a way as to be the correct size for the borough's current and future housing needs.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR