

Appeal Decision

Site visit made on 15 July 2019

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/H5960/W/19/3227538

77 Vant Road, London SW17 8TF

- 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 P Patel against the decision of Wandsworth Council.
 - The application Ref 2019/0886, dated 14 January 2018, was refused by notice dated 18 April 2019.
 - The development proposed is the continued use as two flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the housing mix within the area; and the effect on the living conditions of future residents with regard to the size and quality of the units.

Reasons

3. The proposal is to convert this dwelling into two flats. The works have already been completed.

Housing mix

4. Policy DMH 2(a) of the Wandsworth Development Management Policies Document 2016 (DM) advises that the conversion of dwellings with less than 150sqm of existing habitable floorspace will only be permitted where the property is unsuitable for families. The supporting text advises that conversions play an important role in increasing the number and variety of dwellings in the borough but that it is important that the gain of additional dwellings is not achieved at the expense of family-sized accommodation.
 5. The Council advise that the property was originally 71.6sqm. It has subsequently had a rear extension and a roof extension added and these were the subject of lawful development certificates in 2016. The extensions result in the property being 126.1sqm. No reason has been put forward as to why the house and its garden were not suited to family use. It would appear that it would have offered good quality accommodation for a family. The proposal is therefore contrary to policy DMH 2(a) and would result in the loss of family
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housing which would have a negative impact on the housing mix within the area. This policy accords with paragraph 61 of the National Planning Policy Framework (the Framework) which requires that the size, type and tenure of housing needed for different groups in the community be assessed and reflected in planning policies. I therefore afford it considerable weight.

Living conditions

6. The Council suggest that as the three bedroom unit fails to meet minimum space standards and does not have access to a garden, it conflicts with the specific requirements of policy DMH 2. The specific requirements of part (b) of the policy refer to properties of over 150sqm. They are not therefore relevant to smaller properties which fall to be considered under part (a). I have already found conflict with this part of the policy. Part (c) requires that all new units comply with standards set out in policies DMH 4 and DMH 6-7.
7. Policy DMH 6 requires that conversions meet the national technical housing standards. These are set out in the 'Technical housing standards – nationally described space standard' as amended in 2016. A one bedroom, two person dwelling should be 50sqm. This one bedroom unit is calculated to be 48.9sqm. I am not satisfied that this minor shortfall results in harm to the living conditions of residents particularly as they also benefit from a rear garden.
8. According to the space standard, the smallest possible three bedroom unit should be a minimum of 84sqm. The larger unit is described by the Council as being only 79.7sqm and this is not disputed by the appellant. It should also have a bedroom that is at least 11.5sqm which is not the case with regard to the two rear bedrooms and is unlikely to be the case with regard to the front second floor bedroom given that a proportion of it has a head height of less than 1.5 metres. Regardless of the bedroom sizes however, the unit is contrary to the overall space requirement and is contrary to policy DMH 6. It is also at odds with policy DMH 7(b) as it would not have a rear garden.
9. The Council have raised concerns with regard to internal roof heights. Information has not been provided and I was not able to access the property. Given my other concerns, this is not a matter on which my decision would turn.
10. I conclude that the size of the larger unit fails to satisfy the minimum space standards but more importantly, it does not provide access to a garden. It does not therefore represent satisfactory family accommodation and is contrary to policies DMH 2(c), DMH 6 and DMH 7(b).

Other matters

11. The appellant suggests that the size of the house as extended reflected the space standard of a five bedroom, seven person dwelling which is not a dwelling type identified to be in greatest need. The policy is clear that it is the size, as of 2008, that should be considered. To do otherwise would result in many properties being lost to family use by virtue of permitted extensions.
12. It is also suggested that a dwelling of this size would not represent a property in greatest demand as identified by the Strategic Housing Market Assessment. I have not been provided with this document. In any event, it is the purpose of the development plan to identify the measures required to address the housing

needs. I have not been provided with evidence to suggest that the policies have become out of date in this regard since being adopted in 2016.

13. As the two units are already occupied, the appellant suggests that they are affordable. Whilst the creation of an additional unit has added to the housing supply overall and there is demand for smaller units, the development plan is clear that the gain of an additional small dwelling should not be achieved at the expense of family-sized accommodation
14. The appellant suggests that a suitably worded condition could allow for the roof of the ground floor rear projection to be used as a garden by the occupants of the upper level unit and that this could include screening to prevent overlooking issues. This does not form part of the application and neighbouring residents have not had the opportunity to comment. In any event, I have significant doubts that this could be achieved without unacceptable harm to the neighbouring residents with regard to noise close to the adjacent bedrooms, loss of light and outlook for the residents of this and adjoining properties or loss of privacy. I have considered the proposal as submitted.

Conclusions

15. The development has resulted in the loss of a good quality family dwelling which benefits from a rear garden. This results in clear conflict with policy DMH 2(a). Even if I accept the appellant's view that the accommodation within the new units is of a high standard, the lack of private amenity space for the larger unit makes it unsuitable for family use and certainly of a lesser standard than the original dwelling. I acknowledge however that the works have resulted in an additional dwelling that makes a contribution to housing supply, including a small unit which is in high demand.
16. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst the additional unit provides some weight in favour of the development, this has only been achieved by the loss of a good quality family home, in clear conflict with policy DMH 2(a). The larger unit provides much less satisfactory accommodation with regard to family use and conflicts with policies DMH 2(c), DMH 6 and DMH 7(b).
17. The benefits of the development are not sufficient to outweigh the harm to the housing mix that has resulted from the loss of the family dwelling. The reduced quality of the accommodation adds to this concern. I conclude that material considerations do not suggest that a decision that is not in accordance with the development plan should be reached. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR