



Appeal Decision

Site visit made on 30 July 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2019

Appeal Ref: APP/T5720/W/19/3225114

33 Graham Road, Mitcham CR4 2HB

- 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 Sharif Islam against the decision of the Council of the London Borough of Merton.
 - The application Ref 19/P0129, dated 17 December 2018, was refused by notice dated 27 February 2019.
 - The development proposed is two-storey side and rear extensions to create single dwelling into 2 x 1 bed and 2 x 2 bed and studio self-contained flats.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was submitted by Mr Mainul Islam. However, the applicant for the planning application was Mr Sharif Islam. The appellant's agent has confirmed in writing that the above parties are the same person. I have dealt with the appeal on that basis.
3. The appellant has submitted amended plans with the appeal (Dwg Nos: PL06 and PL07). The amended plans are entitled 'Option A – Planning' and propose alterations to the layout of the flats. The appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought. There is no evidence before me that interested parties have had the opportunity to review the amended plans. Therefore, I have not had regard to the amended plans as part of the determination of this appeal.

Main Issues

4. The main issues are the effect of the proposed development on the Council's strategy for the supply of family housing in the Borough and whether satisfactory living conditions would be provided for future occupiers of the proposed development.

Reasons

5. The appeal site is a detached dwellinghouse on the eastern side of Graham Road. It is proposed to extend and convert the existing property into five flats, which would comprise two one-bedroom units, two two-bedroom units and one studio unit.

6. A material consideration in this case is the appeal decision¹ of 26 June 2019, which relates to a proposal to extend and convert the existing dwellinghouse into five flats (two one-bedroom units and three two-bedroom units). The appeal was dismissed with the Inspector finding that the proposal would fail to provide acceptable living conditions for future occupiers and would lead to the loss of an existing family sized unit. Whilst it is an important planning principle that like cases should be determined in a like manner, this appeal has been determined on its own merits.

Supply of family homes

7. Policy CS 14 of the London Borough of Merton LDF Core Planning Strategy (July 2011) (Core Strategy) seeks to encourage well designed housing in the Borough. As part of this objective, the policy requires that when existing single dwellings are converted into two or more smaller units of accommodation, the development must incorporate the re-provision of at least one family sized unit (where the development would result in the loss of an existing family size unit). Paragraph 22.27 of the supporting justification to Policy CS 14 explains that there is an identified need for family sized units in Merton and therefore the Council are seeking to retain the existing stock of such properties. It also clarifies that a 'family sized unit' is defined as a property with three or more bedrooms under the London Plan (March 2016) (LP). The appeal property falls within this definition.
8. The proposed development would result in the loss of an existing family sized unit and would fail to incorporate any family sized units as part of the conversion. No compelling evidence has been put forward to demonstrate that there is no longer a need for family sized units within Merton. As such, the proposal does not accord with Policy CS14 d (b)i of the Core Strategy because it would undermine the Council's strategy for the supply of family sized units.

Living conditions of future occupiers

9. The Council argue that the proposed flats which it refers to as Flat Nos 1, 2, 3 and 5 within its Statement of Case are undersized because they fall below the minimum space standards set out within Policy 3.5 of the LP and the Technical Housing Standards - Nationally Described Space Standard (the National Standard). The National Standard is incorporated into the Core Strategy as part of Policy CS14 d (a).
10. In addition to the floor space shortfall, the Council argue that Flat 1 and Flat 3, both of which are two-bedroom, three person units, fail to meet the minimum bedroom sizes set out under the National Standard. This requires that a two-bedroom, three-person unit should have one double/twin room with a minimum floor area of 11.5 square metres and a minimum width of 2.75 metres, whilst a single bedroom should be at least 7.5 square metres and a minimum width of 2.15 metres. The measurements provided by the Council are uncontested and therefore I have no reason to question their accuracy.
11. Flat 1 has two bedrooms with floor areas of 7.9 square metres and 10.3 square metres, respectively. As such, the unit fails to provide one double/twin bedroom with a minimum floor area of 11.5 square metres as required by the National Standard.

¹ APP5720/W/18/3216883

12. Flat 3 has two bedrooms with floor areas of 9.7 square metres and 6.9 square metres, respectively. As such, the unit fails to provide one double/twin bedroom with a minimum floor area of 11.5 square metres and a single bedroom with a minimum floor area of 7.5 square metres as required by the National Standard.
13. Given the above conflict with the LP's minimum space standards and the National Standard, I conclude that Flat Nos 1, 2, 3 and 5 would be unduly small and cramped, which would provide unsatisfactory living conditions for future occupiers. As such, the proposal does not accord with Policy CS14 d (a) of the Core Strategy and Policy 3.5 of the LP, which amongst other things, requires that developments provide well designed housing which complies with the appropriate minimum space standards.

Other Matters

14. The appellant states that there is a need for additional small dwellings to let or sell within the Borough and that the provision of large units does not meet local demand, nor would it be economically viable. Even if this were the case, the current proposal fails to meet the minimum space standards and would result in the loss of an existing family sized unit, which Policy CS 14 of the Core Strategy seeks to retain. As such, these factors do not outweigh or overcome the harm which I have identified above.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR