
Appeal Decision

Site visit made on 30 July 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2019

Appeal Ref: APP/L3625/W/19/3229009

12, The Parade, Brighton Road, Burgh Heath, KT20 6AT

- 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 John Purcell against the decision of Reigate & Banstead Borough Council.
 - The application Ref: 19/00049/F dated 8 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is the conversion of existing roof space above the second floor of No. 12 The Parade to create a one-bedroom private dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the lodging of the appeal the Council has received the Inspector's Report on the Examination of the Development Management Plan 2018-2027 (DMP). The Inspector has found the Plan sound, subject to a number of main modifications. The Inspector recommended no main modifications to Policy DES5 of the DMP and it is expected to be adopted in its current form. I therefore attach substantial weight to Policy DES5 in the determination of this appeal.

Main Issues

3. The main issues are i) the effect of the development on the character and appearance of the area and ii) whether the development would provide suitable living conditions for future occupiers with regard to the provision of internal living space.

Reasons

Character and appearance

4. The Parade comprises a terrace of commercial premises at ground floor level with two storeys of residential accommodation above, stepping down Brighton Road as it falls to the south. With the exception of the central projecting feature element of the parade the second-floor flats have dormers to the front roof slope. The rear elevation of the parade has metal staircases providing access to the flats and the area to the rear is used for parking, garaging and servicing. There are some rooflights in the rear roof slope, but no dormers.

5. The proposed development would result in the addition of two large projecting elements to the rear roof slope. These elements would have pitched and hipped roofs and be no higher than the existing ridge line but would nevertheless represent substantial additions to the roof that would bear little resemblance to the dormers on the front elevation of the parade. Due to their height and width they would dominate and be out of proportion to the existing roof. They would be clearly visible from Ballards Green and would be incongruous, particularly given the lack of any other dormers in the rear roof slope of the parade.
6. I therefore consider that the proposed extensions to the rear roof slope would be harmful to the character and appearance of the parade and the area, and therefore contrary to criteria (iv) and (vi) of Policy Ho 9 and to Policy Ho 13 of the Reigate and Banstead Borough Local Plan 2005 (RBBLP). These policies seek, amongst other things, to protect the character of an area.
7. I am not persuaded that Policy Ho 16, cited by the Council in its second reason for refusal, is directly relevant to the proposed development as it applies to infill development and extensions to existing dwellings. In any event, Policy Ho 16 requires the appropriate design criteria set out in Policy Ho 9 to be met in full, and I have concluded above that the proposed development would not do so. The Council has also referred in the reason for refusal to its Supplementary Planning Guidance on Householder Extensions and Alterations 2004, but I have not been provided with a copy of this.

Living conditions

8. The development would provide approximately 33.5 m² of floor area with a ceiling height greater than 1.5 m. Of the gross internal area, the Council considers that approximately 76% would have a ceiling height of approximately 2.3 m. The Technical housing standards - Nationally Described Space Standard (NDSS) set a standard for a 1-bedroom one person unit of a minimum of 37 m² gross internal floor area where a shower room is proposed instead of a bathroom, as with the development. The NDSS also set a standard of a minimum floor to ceiling height of 2.3 m for at least 75% of the gross internal area.
9. The Written Ministerial Statement of 25 March 2015 makes it clear that the NDSS can only be applied where this is referred to in current local plan policy. The RBBLP does not refer to the NDSS and, as such, non-compliance with these standards cannot necessarily be relied upon as a reason for refusal. Nevertheless, the size of the proposed accommodation can be taken into account if it is so restricted as to provide unacceptable living conditions.
10. In addition, Policy DES5 of the DMP requires all new residential developments (including conversions) to provide high quality accommodation and good living conditions for future occupants. It requires all new accommodation to meet, as a minimum, the relevant NDSS except where the proposal would provide an innovative type of affordable housing that justifies an exception to those standards. As noted above, I have given substantial weight to the DMP and thus the NDSS is a relevant and important consideration.
11. The proposed development would fall short of the minimum standard for gross internal floor area. Although it would meet the standard for floor to ceiling

height, I consider that the restricted headroom elsewhere in the development, the restricted floor area and the contrived layout with the two rear roof projections would result in cramped and unsatisfactory living conditions for the future occupiers of the accommodation. With or without regard to the NDSS, I consider that this would not provide an adequate standard of accommodation.

12. The appellant has not suggested that the proposal would provide an innovative type of affordable housing that justifies an exception to the nationally described internal space standard and I therefore find the development to be contrary to Policy DES5 of the DMP.
13. The Council cites Policy Ho 9 of the RBBLP in its reason for refusal relating to internal space. However, I find no reference in Policy Ho 9 to internal space – although criterion (ix) requires the environment created for residents of the proposed development to be satisfactory, this relates to outlook, privacy and the adequacy of garden space. I therefore find no conflict with Policy Ho 9. Nevertheless, clause f) of paragraph 127 of the National Planning Policy Framework requires a high standard of amenity for future users. This would not be achieved by the development.

Other matters

14. I note that the development was amended in the light of pre-application advice from the Council with the amendments described by the appellant as “primarily the removal of dormer windows to the front elevation and rationalisation of the internal layout”. However, it is clear from the Council’s advice that it also had concerns with the proposed dormers on the rear roof slope and the adequacy of the internal floor area. I share these concerns and have concluded above that they are not fully addressed by the development.
15. The appellant refers to the existing accommodation in the parade being relatively compact but providing adequate, cost-effective accommodation for the residents, some of which are Key Workers. I do not have details of the floorspaces of the existing flats, but it is clear from the submitted drawing 106 D that these have a greater usable floorspace and less restricted ceiling heights than the proposed development. Therefore, I do not consider that the existing flats justify the provision of an additional substandard unit.
16. The appellant also refers to an increasing demand for housing of the type proposed. However, no evidence has been provided to support this contention.

Conclusion

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

Martin Small

INSPECTOR