



Appeal Decision

Site visit made on 27 August 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2019

Appeal Ref: APP/H5960/W/19/3227203

Flat 1, 29 Dafforne Road, London SW17 8TY

- 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 Mohamed Ali against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/5248, dated 30 October 2018, was refused by notice dated 29 January 2019.
 - The development proposed is to convert existing flat to form a 3 bedroom flat and a studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the range of housing provision, with particular regard to family accommodation.

Reasons

3. The appeal site is a two-storey terraced building, formerly a dwellinghouse, now converted into flats. Dafforne Road is residential in character, containing a mix of single dwellinghouses as well as flat conversions. The proposal would result in the replacement of the ground-floor flat, as approved, with one three-bedroom flat and one studio flat.
4. The application is described as conversion of an existing flat. Notwithstanding a similar description given on the decision notice, the Council have considered and refused the proposed development on the basis of the conversion of the whole building. In doing so, the Council state that the approved four-bedroom flat has not been implemented in accordance with the previous planning permission. At my site visit, I noted that the internal layout did not match that shown on the approved plans but does, as far as I could tell, relate accurately to the submitted existing plans.
5. I observed the 'vacant space' described by the Council as well as the connecting internal door leading to the rest of the ground floor flat, albeit that it was locked. Whilst it is evident that the premises is not currently occupied as a four-bedroom flat, on the basis of the submitted plans and my observations, there is no reason why it could not be, as it forms part of the same single interconnected planning unit. Consequently, the proposal does not appear to

conflict with the approved description of a four-bedroom flat and, as works that only affect the interior of the building are not development requiring consideration under this Section 78 appeal, my decision is made on the basis of the description in the above banner.

6. In considering the main issue, the Council's reason for refusal refers to subsection (iii) of Policy DMH 2 of the Wandsworth Local Plan Development Management Policies Document (DMPD), which relates to conversions of dwellings of more than 150 sqm. However, given my above findings relating to the extent of the ground floor flat, and that the flat is said to be approximately 119 sqm, the appeal instead falls to be considered against subsection (a) of Policy DMH 2, as suggested in the appellants statement of case. This states that conversion of dwellings with less than 150 sqm of existing habitable floorspace will only be permitted where the property is unsuitable for families.
7. The Council's policies aim to secure an appropriate mix of housing to reflect the borough's current and future needs. Accordingly, Policy DMH 2 recognises that, whilst conversions play an important role in increasing the number and variety of dwellings, it is important that gain is not achieved at the expense of family sized accommodation. The appeal premises is located in a predominantly residential area, with access to rear garden ground, on a quiet street and close to facilities, services and public open space. On this basis, I see no reason why this property would be unsuitable, rather, it provides good quality accommodation for a family. Consequently, the premises is protected by policy.
8. The appellant considers the most efficient use of the appeal flat is that proposed, with the three bedroom unit meeting the definition of a family unit, and by giving consideration to minimum space standards. However, I give greater weight to the justification accompanying Policy DMH 2 that the 150 sqm threshold arises from the limited proportion of such housing stock remaining, regardless of number of bedrooms. Family accommodation will sometimes necessarily need more than three bedrooms or larger floor areas.
9. Whilst reference has been made to support for the proposal from various sections of the National Planning Policy Framework, I find that, when assessing the proposal against the Framework as a whole, and with particular regard to the three overarching objectives outlined in Chapter 2, the proposal would result in harm being caused to the social objective of supporting strong vibrant communities by ensuring that a sufficient range of houses can be provided. This is not outweighed by the provision of a single unit of housing, despite its contribution to unmet housing demands.
10. Similarly, some support for the proposal may be derived from other Council policies and documents, including s3.11 of the DMPD and the strategic Housing Market Assessment, whilst setting aside superseded policies. However, this general support does not outweigh my above findings against the key relevant policies for this proposal. The appellant has also stated that Council policies are out of date or unrealistic, nevertheless, I find that they are generally consistent with the Framework, in so far as they relate to this appeal.
11. The provision of a Council grant; the contribution of the proposal to the housing waiting list, including the viability of doing so; a weak rental market for four-bedroom properties; and the provision of affordable housing, are matters to which I give limited weight in support of the proposal. However, even when taken together these do not outweigh my findings.

12. The desirability or affordability of spare bedrooms, and the definition of the proposal as either one bed or a studio unit, are matters of neutral weight only, as is building regulations approval of the flat. Whilst large four-bedroom units are stated as being unviable, in terms of property development and rental, my observations of properties on Dafforne Road indicated that a substantial number have been retained as large single dwellings.
13. Reference is made to other similar developments, although I note that these were approved under a different policy framework. In any case, I must determine the current appeal on its merits. The handling of the planning application by the Council is not a matter within my jurisdiction. An objection is raised in respect of noise from occupants, however there is no reason why normal use of a residential property would cause a land use conflict.
14. In conclusion, the proposal would have a significant adverse effect on the range of housing provision, with particular regard to family accommodation, contrary to Policy DMH 2 of the Wandsworth Local Plan Development Management Policies Document. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR