
Appeal Decision

Site visit made on 17 October 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/C5690/W/19/3234237

24 Rushey Green, London SE6 4JF

- 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 Mahmut against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111567, dated 22 March 2019, was refused by notice dated 10 June 2019.
 - The development proposed is the conversion of existing 2 bedroom flat into 2 separate flats: 1 x Studio flat, 1 x 1 bedroom flat.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refusing planning permission referred to the proposed change of use set out in the banner heading above, together with 'associated elevational alteration'. The elevational alterations proposed are described as the infilling of a door and window opening at first floor level on the rear elevation and the creation of a new door and window opening at first floor level on the rear elevation.

Main Issues

3. The Council raises no principled objection to the proposed elevational changes, and so the main issues arising in the appeal are, first, whether the housing types proposed acceptably meet the identified housing needs in the area; and, secondly, whether the living conditions of the future occupiers of the proposed flats would be acceptable, by reason of having acceptable amounts of floorspace, storage facilities and amenity space.

Reasons

4. The appeal site lies in Rushey Green, close to Catford centre and to good public transport links, with a PTAL rating of 4. The site currently comprises a split level 2-bedroomed flat above commercial premises. A permission was granted in 2016 for a mansard roof extension above the appeal site and adjoining premises, and the properties were under scaffolding at the time of my site visit.

5. The proposal is to split the current 2-bedroomed flat into 2 separate flats, with the appellant contending that the existing 2-bedroomed flat is not a suitable dwelling in the area, being too large for its purpose. On the appellant's calculation, the 2 resulting flats would have floor areas of 37 sqm and 47 sqm respectively, with no private amenity space. A small area of communal amenity space is however provided. Application plans show neither resulting flat to have a separate bedroom, but each has a living/bedroom area of around 25 sqm.
6. Space standards, as set out in Table 3.3 of the London Plan of March 2016, depend on the number of occupants for whom a property is designed, and require at least 37 sqm for a 1-bedroomed, 1-person property and at least 50 sqm for a 1-bedroomed, 2-person property.
7. The Design and Access Statement in this case describes both the proposed flats as being suitable for professional couples. If that is the case, then each flat would be much too small to result in adequate living conditions. Although the living/bedrooms are each reasonably large, the lack of a separate living area would be unsatisfactory in a property designed for 2 people, who may have different sleeping patterns and privacy needs. Policy requirements for inbuilt storage would not be met.
8. To overcome the concern about a lack of a separate bedroom, the appellant proposes to split the proposed living/bedroom area into two rooms. This results in a lack of circulation space around the bed, which would be less than optimal, but even if this were to take place it would not overcome my concerns about the insufficient overall space in either flat, which would result in undesirably cramped living conditions.
9. The appellant has subsequently suggested that the flats are each suitable for sole occupation. If this were so then, on the appellant's calculations, the space (but not storage) standards would be met, albeit marginally in the case of the 'studio' flat, but this meets with a different policy objection, found in Policy DM32 of the Lewisham Development Management Local Plan of 2014. That policy states that single person dwellings will not be supported other than in exceptional circumstances.
10. The policy requires that any such dwellings must be in highly accessible locations, and I agree that this is such a location. By way of exceptional circumstances, the appellant refers to the poor design of the existing flat, with the access taken through the kitchen resulting in unwarranted fire hazards, and the unsuitability of the existing 2-bedroomed flat in this location.
11. The access to the proposed 'studio' flat is also taken through the kitchen, with no clear ventilation details shown and no doorway shown between the kitchen and the living/bedroom area beyond. Although the new walls are shown to be fire rated/insulated, I do not consider that the access into this flat is appreciably better than the existing, as each takes its access to the principal living areas through the kitchen.
12. As to the appellant's assertion that the existing 2-bedroomed flat is not rentable or sustainable, I have not been provided with any evidence that this is the case. I am therefore unable to conclude that exceptional circumstances exist that would support the provision of single person dwellings.

Conclusion

13. For the above reasons, I conclude that the appeal proposal does not comply with the development plan for the area. As single person dwellings, the proposal would be contrary to policy DM32 that requires exceptional circumstances in order to support the provision of this dwelling type, and I have not found such circumstances to have been demonstrated. As two person dwellings, they are too small, and would result in unacceptable living conditions for the occupiers. Therefore, the appeal is dismissed.

Laura Renaudon

INSPECTOR