



Appeal Decision

Site visit made on 18 December 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/L3625/W/19/3237612

56 Meadow Walk, Walton On The Hill KT20 7UG

- 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 Roger Ponsford against the decision of Reigate & Banstead Borough Council.
 - The application Ref 19/00975/F, dated 14 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is use of upper floor of garage as a self-contained studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Reigate and Banstead Development Management Plan (the 'DMP') was adopted on 26 September 2019. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to the amount of internal floorspace; and
 - the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal site is occupied by a detached dwelling, which is set within a spacious plot at the end of a residential cul-de-sac, known as Meadow Walk. The property has a large front garden and features an existing garage building, which is located behind an off-street parking area. The garage features habitable accommodation at first-floor level, which is accessed via an external staircase to the rear of the building. It is proposed to convert the first-floor above the garage into a self-contained residential studio flat.

Living conditions for future occupiers

5. Policy DES5 of the DMP, amongst other things, states that 'all new residential developments must: (1) as a minimum meet the relevant nationally described internal space standard for each individual unit...'. However, the policy allows for the Council to make an exception and allow smaller properties, which fall below the nationally described internal space standard, where the proposal would 'provide an innovative type of affordable housing'. The proposed flat would be an open market property and therefore it would not meet the exception criteria for smaller properties, which relates solely to affordable housing.
6. The supporting text to Policy DES5 of the DMP explains that the introduction of the Government's minimum space standards will allow all new homes within the Borough to provide suitable and adequate space for day-to-day living, irrespective of the type and number of bedrooms.
7. The Government's Technical Housing Standards - Nationally Described Space Standard (March 2015) (the National Standard) sets out the minimum space standards for new residential development. The National Standard sets out that the minimum internal space standard for a one-bedroom, one-person unit is 37 square metres.
8. The Council state that the gross internal floor area of the proposed flat is approximately 20 square metres. This has not been disputed by the appellant. Consequently, the proposal would not meet the minimum space standard for a one-bedroom, one-person unit as set out within the National Standard.
9. The appellant contends that the standard of accommodation provided by the development is comparable to other flats and houses of multiple occupation in the wider area. However, no substantive evidence has been put forward to demonstrate that this is the case. As such, this is not a determinative factor in this case. In any event, this appeal needs to be determined on its own individual planning merits.
10. In addition to the above, the appellant states that the proposed flat would provide an affordable form of accommodation in an area where housing prices and rents are typically high, which would be suitable for a wide range of future occupants, including young people, students, carers and elderly residents. In addition, it is argued that it would be for future occupiers to decide whether or not the proposed studio flat would be suitable for their needs. The appellant argues that this would fulfil the objectives of Paragraph 61 of the National Planning Policy Framework (the 'Framework'), which seeks to deliver a mix of housing sizes, types and tenures that meets the housing needs of different groups within the community.
11. Even if I were to accept that there was a demand for the type of flat proposed, I consider that the proposal would fail to meet the housing needs of future occupiers due to its limited size, which falls significantly below the National Standard. Consequently, this does not provide a compelling reason to depart from the development plan.
12. For the reasons set out above, I conclude that the proposed flat would provide an unduly small and cramped standard of accommodation, which would provide unsatisfactory living conditions for future occupiers of the development due to

a lack of internal floorspace. As such, the proposal would not accord with Policy DES5 of the DMP, which amongst other things, requires new residential development to comply with the appropriate minimum space standards, as set out within the National Standard.

13. In addition, the proposal would be inconsistent with the aims of Paragraph 127(f) of the Framework, which states that planning decisions should ensure that developments create places that provide a high standard of amenity for future users. Consequently, the proposal would conflict with the social objectives of sustainable development, as set out within the Framework, which amongst other things, seeks to deliver a range of homes that meet the needs of present and future generations.

Character and appearance

14. The surrounding area has a suburban residential character with a wide range of property types present within the immediate locality, most of which are two-storey in scale. Whilst there are differing architectural styles present within the street, the consistent two storey scale of the dwellings and the use of common materials results in a design balance and symmetry which contributes positively to the character and appearance of the area.
15. The Council have expressed concerns that the proposal would result in a dwelling which would be smaller than the surrounding properties, and, thus the proposal would neither promote or reinforce the local distinctiveness of the area. In addition, the Council contend that sub-dividing the plot into two separate sites would not be consistent with the prevailing pattern of development.
16. Whilst I accept that the proposed residential unit would be smaller than the surrounding dwellings, no external works are proposed as part of the development. Therefore, when viewed from the street, the existing building, whilst containing a separate residential unit at first floor level, would still appear to have an incidental function and appearance to the host property. Consequently, the change of use, in and of itself would not harm the local distinctiveness of the area.
17. In terms of the sub-division of the existing plot, I note that the proposed site plan does not show separate garden areas for the proposed flat and host building, and, therefore the fact that the appeal site would be occupied by two separate residential properties would not be readily apparent from the street. In addition, if I were mindful to allow the appeal, I consider that a planning condition could be imposed to prevent the erection of additional boundary treatments within the front garden area, which would maintain the open nature of the existing front garden and avoid the appearance of two separate garden areas, when the site is viewed from the street.
18. Given the above, in these circumstances, I conclude that the proposed development would preserve the character and appearance of the area. As such, the proposal would accord with Policy DES1 of the DMP, insofar that it requires development to respect the character of the surrounding area, including positive physical characteristics of local neighbourhoods and the visual appearance of the immediate streetscene. Furthermore, the proposal would be consistent with Paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character.

Planning Balance

19. The appellant argues that the Council are unable to demonstrate a five-year supply of deliverable housing sites. However, this is disputed by the Council, who state that they have a supply of over 7 years.
20. The provision of one dwelling, near to local services and public transport links within the settlement of Walton On The Hill would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal, albeit that the contribution would be limited due to the quantum of development proposed. In addition, there would be some benefits arising out of the proposal, most notably there would be some limited benefits to the local economy from the spend of future occupiers.
21. Even if I were to accept the appellant's argument that the Council is unable to demonstrate a five-year supply of deliverable housing sites, the unsatisfactory living conditions provided for future occupiers of the development, would be an adverse impact of the development at odds with the development plan and the Framework and would significantly and demonstrably outweigh the limited benefits of the development, when assessed against the policies in the Framework taken as a whole. Accordingly, this is not a point that suggests the appeal should be determined other than in accordance with the development plan.

Other Matters

22. The appellant argues that the proposal would provide a suitable form of accommodation for elderly parents nearby to the main dwelling, a starter home for grown children seeking to save for a house deposit, whilst needing to 'live with parents' for financial reasons or for a carer associated with the occupants of the main dwelling. Whilst this may or may not be the case, the proposal before me is for a self-contained open market dwelling, and not a residential annexe. As such, I have determined the appeal on this basis and found harm for the reasons set out above.

Conclusion

23. The proposed development would preserve the character and appearance of the area. However, this would not overcome or outweigh the significant harm that I have identified in respect of the unacceptable living conditions for future occupiers caused by a lack of internal space, which is a matter of overriding concern. Accordingly, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR