
Appeal Decision

Site visit made on 3 December 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/E5330/W/19/3237060
82c Green Lane, Eltham SE9 2AP

- 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 Martin Clark against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0661/F, dated 22 February 2019, was refused by notice dated 20 May 2019.
 - The development proposed is originally described as "retention and alteration of single storey one bedroom dwelling including associated external amenity space".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide appropriate living conditions for future occupiers, with regard to internal space provision.

Reasons

3. The appeal site is a single storey rear extension located to the rear of 82a and 82b Green Lane, which are converted flats in a two storey end of terrace dwelling. The extension was constructed without planning permission to be a separate one bedroom flat, with the entrance gained from a shared pedestrian access to the side. The rear extension replaced a former storage building which was demolished.
4. The appeal proposal seeks to alter the existing building to formalise the appeal site as a one bedroom flat, specifically for a single occupant. The Government's nationally described space standards (NDSS) contains minimum internal space requirements for new dwellings based on the number of bedrooms, occupants (bed spaces) and storeys. This requirement is applied in a local context within Policy 3.5 of the London Plan (adopted 2016).
5. Based on the NDSS the proposed bedroom would be the equivalent size and design of a double or twin bedroom, of which the size has been acknowledged by the appellant. This consequently brings into question whether the one bedroom, one occupant aspect of the proposal could be enforced and secured for the lifetime of the development through a planning permission. Of particular note a condition restricting the number of occupants permitted within

the flat would not comply with the requirements of the Planning Practice Guidance and the National Planning Policy Framework (the Framework).

6. If the proposed flat were occupied by two people then it would fall short of the required gross internal floor area prescribed by the NDSS, resulting in substandard living conditions. I note the appellant's argument that the NDSS is only intended to be used as a minimum standard and that the proposal would exceed this for the bedroom design. However, the NDSS first and foremost serves as a guide to ensure new dwellings are appropriately designed to provide quality living conditions for future occupants.
7. As the proposed bedroom has been designed in line with the twin/double bedroom standards it is reasonable to conclude that the proposal would likely accommodate two people. Furthermore, the evidence put forward by the appellant does not adequately demonstrate how the appeal proposal could reasonably be restricted to a single occupant as proposed, nor justifies why the proposed gross internal area would be appropriate for two people contrary to the NDSS.
8. Accordingly, the proposed single storey one bedroom dwelling would provide inappropriate living conditions for future occupiers with regard to the design and layout of the internal space provision. It therefore conflicts with Policy H5 of the Royal Greenwich Local Plan (adopted 2014), Policy 3.5 of the London Plan (adopted 2016), Chapter 12 of the Framework, the Mayor of London's Housing Supplementary Planning Guidance (SPG) (adopted 2016), and the Technical Housing Standards – NDSS (adopted 2015). These policies and guidance seek, amongst other things, to ensure that new dwellings have a design and layout that provides quality living conditions for future occupants.

Other Matters

9. I note that the proposed dwelling would make a positive contribution towards the local housing supply. However, this would not outweigh the potential harm identified given the modest scale of the proposal.
10. I am satisfied that the design and layout of the proposed private outdoor space would adequately meet the needs of either one or two occupiers in accordance with the Mayor of London's Housing SPG. Whilst located along the shared pedestrian access to the side, I am comfortable that an appropriate boundary treatment could be provided to secure privacy for occupants. Similarly, the proposed pattern of fenestration, boundary fencing to establish a defensible area, and rooflight for the living room area are improvements to the scheme. Notwithstanding the above, these matters would not collectively outweigh the harm resulting from the internal space provision.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR