



Appeal Decision

Site visit made on 9 March 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/C5690/W/19/3243032

243 Stanstead Road, Catford, London SE23 1HY

- 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 S March against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/112761, dated 19 June 2019, was refused by notice dated 7 November 2019.
 - The development proposed is described as "*retention of ground floor flat A and internal reconfiguration and retention of flats A, B and C*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of proposed development from the planning application form although I note it is expressed differently on other documents.
3. The proposal follows a previous appeal decision (APP/C5690/C/18/3202743) whereby the Inspector allowed the retention of the rear garden flat known as Flat D. For the purposes of clarity, the proposal before me relates to the conversion of the main building and not to the garden flat at the rear of the building. I have considered the proposal on this basis.
4. This proposal differs to that of the previously proposed schemes in that the upper floor flats (Flats 2 and 3 as annotated on the plans relating to this proposal) have been put forward as two bedroom units whereas previously all three flats within the main building were three bedroom units. Again, for the purposes of clarity, I have considered the proposal, the subject of this appeal, on its own merit and in relation to all three flats proposed.
5. The appellant has submitted revised drawings with the appeal which, although not changing the number of flats proposed, would amend the mix of flats to 1 one bedroom flat and 2 two bedroom flats along with amendments to their overall internal dimensions and internal storage provisions. An amended plan also shows storage areas of refuse and bicycles. These revisions materially alter the proposal. Therefore, having regard to the Wheatcroft Principles¹, in the interests of natural justice and fairness to all parties I have dealt with

¹ Bernard Wheatcroft Ltd v SSE

the appeal on the basis of the scheme and drawings that were considered and determined by the Council and on which interested people's views were sought. If the appellant wishes to pursue the revised scheme, a fresh planning application could be made to the Council.

Main Issue

6. The main issue raised by this appeal is whether or not the proposed development would provide an appropriate standard of accommodation for future occupiers.

Reasons

7. The proposal seeks to deliver 1 three bedroom six person flat (Flat 1) and 2 two bedroom four person flats (Flats 2 and 3). Table 3.3 of Policy 3.5 of the London Plan requires Flat 1 to have a minimum gross internal area (GIA) of 95sqm and Flats 2 and 3 each to be at least 79sqm. The Council indicates that Flat 1 would have a GIA of 86sqm. From the annotations on the proposed floor plan this indicates that Flat 2 would have a GIA of 70sqm and Flat 3 75.7sqm. The Council also points out that one of Flat 2's bedrooms would not meet the minimum space standard requirements for a double room, along with a bedroom within Flat 3 also falling slightly below. In addition, Table 3.3 require internal built-in storage space to be provided. None has been proposed within any of the flats.
8. The London Plan accommodation standards set the appropriate thresholds to which new development should adhere. These minimum space standards ensure that development is not cramped internally and that convenient and efficient room sizes and layouts can be achieved. The proposed flats would fall short of the required standards, two of which significantly so in regard to GIA. I, therefore, do not consider that a satisfactory standard of living accommodation would be provided for future occupiers and this would be detrimental to their well-being and homelife.
9. I acknowledge that the Inspector in respect of the previous appeal considered the living condition of the occupiers of the upper floor flats (Flats B and C) in respect of availability of internal floorspace. Whilst that previous appeal did not concern itself with the GIA of the ground floor flat, that does not preclude an assessment of the appropriateness of the standard of the ground floor flat being subject to consideration as part of any subsequent proposal and/or appeal. I, therefore, consider it to be a consideration relevant to this appeal.
10. I have been referred to the London Plan Supplementary Planning Document (SPD) that requires flats to have private outdoor amenity space and sets out minimum size requirements for such space. I am also advised that the SPD indicates that where site constraints make it impossible to provide private outdoor amenity space, an equivalent area should be incorporated into the overall internal living space. The outdoor space, being to the front of the property and next to the busy Stansted Road, would not be a private outdoor space for future occupiers. Also, given the flats are undersized they would not be able to host the equivalent space internally. This adds to the harm that I have identified above in respect of internal flat sizes. Whilst I acknowledge that the occupiers of the flats could walk or cycle to public open spaces in the wider area, this would not be private space and, as such, would not compensate for the lack of private outdoor space within the proposal.

11. Table 6.3 of the London Plan sets out the minimum standards for cycle parking provision. No provision has been made as part of the proposal. This is a further harm arising from the proposed development.
12. Although the proposal does not provide any information as to waste storage provision, I observed that an area at the site frontage adjacent to the public footway has been enclosed by fencing on three sides to create a dedicated bin storage area. However, the bins, having an open frontage onto the highway, have an untidy appearance that is readily visible to passers-by. The proposal has not demonstrated that a visually appropriate refuse storage facility could be provided, nonetheless I consider this could be adequately addressed by the imposition of a suitably worded planning condition.
13. For the above reasons, I conclude that the proposed development would not provide an appropriate standard of accommodation and, therefore, the proposal would be harmful to the living conditions of future occupiers. The proposal would, therefore, conflict with Policies 3.5 and 6.9 of the London Plan 2016, Policies 14 and 15 of the Lewisham local development framework Core Strategy 2011 and DM Policies 30, 31 and 32 of the Lewisham local development framework Development Management Local Plan 2014. These policies seek, amongst other matters, development to secure high quality internal and external environments that includes achieving minimum standards in respect of internal spaces and cycle storage provision.
14. The appeal site is situated in an urban area where additional housing is generally accepted and the proposal would make efficient use of the site. Notwithstanding this, for those reasons set out above, the proposal does not accord with the development plan and, as such, would not constitute sustainable development. I have not been directed to any other development plan policies or housing delivery difficulty in the Borough that might justify a departure from the compliance with adopted space standards. The modest increase in housing provision that would be brought about by the proposal, even if of good quality and being a car free development, would not overcome my above concerns or justify the proposal.

Conclusion

15. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR