
Appeal Decision

Site visit made on 4 December 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/E5330/W/19/3237181
5 Dupree Road, Charlton, London SE7 7RR

- 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 Wickens against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0797/F, dated 4 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is for the conversion of an HMO to two flats and a loft conversion with rear dormer window and alterations to some rear windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the local housing supply, with regard to protecting family sized dwellings;
 - the living conditions of future occupants, with regard to internal space provision; and
 - the character and appearance of the host dwelling and surrounding area, with regard to the design, bulk and scale of the proposed rear dormer window.

Reasons

3. The appeal site is a two storey terraced dwelling with five bedrooms, located on the eastern side of Dupree Road. The street is characterised by predominantly residential development of which most dwellings reflect a similar design and layout to the appeal site. This achieves a regular pattern throughout the street scene and of narrow rear garden areas.

Housing supply

4. Policy H(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (LP) (adopted July 2014) relates to the subdivision of residential property and as such applies to the appeal proposal. The Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document (SPD) (adopted July 2016) makes this clear in Paragraph 7.1.

5. The overall objective of the policy is to ensure that there is a balance between the types and sizes of dwellings available to meet the needs of the local population, in particular the protection of small and medium size family dwellings. Dispute between the parties arises due to the interchanged use of the term 'family housing' and 'family dwellings' throughout the policy and SPD. Based on the evidence provided these terms do not appear to have an explicit definition. However, the support text for Policy H5 describes a family house as generally having three or more bedrooms and direct access to a garden, the SPD describes a large family dwelling as having more than three bedrooms, whilst the support text for Policy H(b) discusses residential property types and sizes more generally. On this basis, I have taken the view that reference to both 'family housing' and 'family dwellings' in the context of Policy H(b) relates to the size of the household as opposed to any particular land use definition.
6. Both parties have identified the existing use of the appeal site as a Class C4 House in Multiple Occupation (HMO), which is defined as "small share houses occupied by between three and six unrelated individuals, as their only main residence, who share basic amenities such as a kitchen or bathroom"¹. By virtue of the HMO occupants sharing kitchen, dining and bathroom facilities the appeal site still functions as a single household. The five privately rented bedrooms are in no way comparable to a subdivision, either in practice or principle, which would result in two separate self-contained households.
7. I note the appellant's argument that the proposed first floor flat could qualify as a family dwelling, and as such would not result in the loss of a family dwelling should the appeal site be deemed one. Notwithstanding this, the net floor area of the original premises is significantly below the area required to subdivide a terrace dwelling. As such any resulting flats would fail to achieve the living standards anticipated by Policy H(b), detrimentally compromise the function of the appeal site as a family dwelling, and consequently reduce the areas overall stock of appropriately sized family dwellings. Whilst I note the benefits of providing a one and two bedroom flat towards diversifying the local housing supply more generally, this would not outweigh the loss of a family sized dwelling which this policy seeks to protect.
8. Accordingly, the proposed development would harm the local housing supply of family sized dwellings. It would conflict with Policy H(b) of the LP, and Policies 3.5 and 3.8 of the London Plan (adopted March 2016). These policies collectively seek, amongst other things, to ensure residential development achieve high quality design and provide genuine housing choice with a range of sizes and types of dwellings to meet the needs of local communities.

Living conditions

9. The appeal proposal seeks to subdivide the appeal site into two flats with dedicated rear garden areas. The proposed ground floor flat would have one bedroom accommodating two people, and the proposed first floor flat would have two bedrooms accommodating four people. 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.

¹ Town and Country Planning (Use Classes) Order 1987 (as amended)

10. Based on the NDSS the proposed ground floor flat would fall short of the required gross internal floor area, resulting in substandard living conditions. Whilst I note that the shortfall is minor, the design of the proposal is not of such exemplary quality that it would warrant a relaxation of this minimum standard, nor has it been demonstrated that the one bedroom flat would meet a specific identified need². The NDSS first and foremost serves as a guide to ensure that new dwellings are appropriately designed to provide quality living conditions for future occupants. The argument that the appeal site was once two separate flats does not adequately justify not meeting the current living condition standards set out by the London Plan.
11. I note the appellant refers to two appended plans accompanying their representations, demonstrating that if the proposed ground floor flat were amended to be a studio layout it could meet the NDSS standards and that the required floor to ceiling height is achieved within the proposed loft conversion. The ground floor plan submitted appears to show the same layout as originally submitted to the Council and no additional plans explicitly labelling the ceiling height have been provided. Notwithstanding this, the appeal proposal before me fails to achieve the minimum standard set out by the NDSS and as such would equate to substandard living conditions for future occupants of the ground floor flat. In the absence of more specific details I cannot be certain that the loft conversion achieves the necessary floor to ceiling height either.
12. Accordingly, the proposed development would not have adequate internal living space to achieve quality living conditions for future occupants. It would conflict with Policies DH1 and H5 of the LP, Policies 3.5 and 3.8 of the London Plan, the Mayor of London's Housing Supplementary Planning Guidance (SPG) (adopted March 2016), and the Technical Housing Standards – NDSS (adopted March 2015). These policies and guidance collectively seek, amongst other things, to ensure that new dwellings have a design and layout that provides quality living conditions for future occupants.

Character and appearance

13. The existing roof design of the appeal site forms a continuous slope which extends beyond the principle elevation of the host dwelling along the rear most extent of the building. The depth of this roof plane increases the surface area and prominence of this feature in the overall design of the host dwelling. This general pattern of roof design is reflected along the full row of terraced dwellings.
14. The proposed loft conversion would result in the creation of a rear facing dormer window which would extend across the predominant width of the roof plane. Despite this, the design, bulk and scale of the dormer window would still maintain a subordinate appearance given the overall depth of the existing roof plane. Appropriate separation would be achieved between the peak of the roof and the parapet walls to the side, reinforcing this subordinate relationship which maintains the visual proportions of the existing roof plane. There are similar examples of rear dormer windows along the full terrace row and as such would appear in keeping with the character and appearance of the wider area.
15. Accordingly, the proposed rear dormer window would not harm the character and appearance of the host dwelling or surrounding area. It would therefore

² Mayor of London's Housing Supplementary Planning Guidance (adopted March 2016)

comply with Policies DH1 and DH(a) of the LP, Policies 7.4 and 7.6 of the London Plan, and the Residential Extensions, Basements and Conversions Guidance SPD as it relates to this matter. These policies and guidance seek, amongst other things, to ensure that development achieves high quality design that compliments the local character and appearance of areas.

Conclusion

16. I note that the proposal would make a beneficial contribution towards diversifying the local housing supply, and that it would not amount to any harm to the character and appearance of the host dwelling and surrounding area. Notwithstanding this, these considerations would not collectively outweigh the conflict and subsequent harm identified to the local supply of family sized dwellings and the living conditions of future occupants.
17. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR