
Appeal Decision

Site visit made on 23 June 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2020

Appeal Ref: APP/L3625/W/19/3235117

4, Rear of West Road, Reigate, RH2 7JT

- 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 David Postles against the decision of Reigate & Banstead Borough Council.
 - The application Ref: 18/02475/F dated 26 November 2018, was refused by notice dated 11 February 2019.
 - The development proposed is the conversion of existing office unit and basement to residential use.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the planning application, the Council has adopted the Reigate and Banstead Development Management Plan (2019) (DMP). The policies in the DMP supersede most of the saved Reigate and Banstead Borough Local Plan (2005) (RBBLP) policies, including Policies Ho9 and Ho18, which are cited in the Council's reason for refusal. I have therefore had regard to the relevant policies of the DMP in my determination of this appeal. The Council refers to the relevant policies of the DMP in its evidence and the appellant has commented on these policies in an e-mail dated 1 July 2020. My approach is thus without prejudice to either party's case.
3. The appellant's statement is accompanied by a sectional drawing which is described as identical to that submitted with the application. However, it differs from the submitted drawing in that it indicates a greater floor to ceiling height in the proposed basement, a matter to which I return below, is annotated 'amended' and is numbered with the suffix A. The appellant refers to this revised drawing as 'illustrative' and I have not been asked to substitute it for the drawing originally submitted. In any event, the appeal process should not be used to evolve a scheme. I have therefore determined this appeal on the basis of the drawings originally submitted with the application and considered by the Council in determining it.

Main Issue

4. The main issue is whether the proposed development would provide acceptable living conditions for the future occupiers, with particular regard to internal floor area and floor to ceiling heights.

Reasons

5. The appeal property is a shop with an office to the rear and a flat at first-floor level. The proposal is to convert part of the office and excavate a basement underneath to form a 2-storey dwelling with living / kitchen accommodation on the ground floor and a bedroom / shower room on the lower ground floor. Access between the two floors would be via a spiral staircase.
6. Policy DES5 of the DMP requires all new residential accommodation including conversions to, amongst other things, as a minimum meet the relevant nationally described internal space standard for each individual unit. The only exception is in order to provide an innovative type of affordable housing that does not meet these standards.
7. The Technical housing standards - nationally described space standard (NDSS) was originally published in 2015. It sets out requirements for the Gross Internal (floor) Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
8. The proposed bedroom is shown on the submitted floor plan with an area of approximately 19.5 m². It therefore meets the floorspace standard in the NDSS for a double bedroom. Although I note the appellant's suggestion in correspondence with the Council following the refusal of the application of reducing the size of the bedroom to single person occupancy, this is not the proposal before me. The original application did not specify single occupancy of the proposed dwelling. In my judgement a condition restricting occupancy would not be reasonable or enforceable and I have no other mechanism before me to restrict the proposed dwelling to single occupancy.
9. I therefore consider the proposed development to be a 1 bedroom 2-person 2-storey dwelling. The NDSS minimum GIA for such a dwelling is 58 m², plus 1.5 m² of built-in storage. The Planning Officer's report states that the floor area of the proposed dwelling would be approximately 46 m². The dwelling would thus fail to meet the minimum GIA standard and to provide sufficient internal space to meet day to day needs for 2 occupiers acceptably. Although the floor area of the bedroom would meet the NDSS, it is clear from the Planning Officer's report that the Council's concern is with the floor area of the proposed dwelling as a whole, not just that of the bedroom.
10. Moreover, the sectional drawing submitted with the application indicates a floor to ceiling height in the lower ground floor of 2.1 m. Although the ground floor rooms would be of a greater height, the NDSS is that at least 75% of the GIA should have a minimum floor to ceiling height of 2.3 m. The proposed development would therefore also fail to meet this standard, and the restricted ceiling height over the full extent of the bedroom would be oppressive, resulting in unsatisfactory living conditions.
11. I observed during my site visit that the ground floor rooms have adequate natural light and outlook through the two pairs of glazed doors in the rear elevation of the property. The bedroom would be adequately lit by a lightwell and would have an acceptable outlook as the windows to the room extend above the level of the rear garden of the property. The ground floor is not awkwardly or impractically shaped. However, these considerations are not

sufficient to provide satisfactory living conditions given the limited floor area and floor to ceiling height.

12. The proposed development would thus fail to provide satisfactory living conditions for the future occupiers of the proposed dwelling, with regard to overall internal floorspace and floor to ceiling height in the lower ground floor. It would also fail to meet the NDSS, adopted by the Council in the DMP, and as the development would not be an innovative type of affordable housing, the proposal would conflict in this respect with criterion 1 of Policy DES5 of the DMP. It would also fail to accord in this respect with criterion 5 of Policy DES1 of the DMP, which sets out that planning permission will be granted for new development where it provides an appropriate environment for future occupants.

Conclusion

13. The proposal would result in an additional dwelling, which would have social and economic benefits. However, as a single dwelling, these benefits would be very modest, and do not outweigh the conflict with the development plan I have identified above.
14. Therefore, for the reasons given above, the appeal is dismissed.

Martin Small

INSPECTOR