The Planning Inspectorate

# Appeal Decision

Site visit made on 30 June 2020

**by L McKay MA MRTPI**

**Inspector appointed by the Secretary of State**

**Decision date: 8th July 2020.**

**Appeal Ref: APP/P3610/W/19/3241631**
**14 Pound Lane, Epsom KT19 8SB**

- 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 D Ambrose against the decision of Epsom & Ewell Borough Council.
- The application Ref 19/00716/FUL, dated 10 June 2019, was refused by notice dated 31 July 2019.
- The development proposed is change of use to 2 x 1 person dwellings, incorporating a 3m rear single storey extension.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The evidence before me is that some years ago, the appeal property was split into two flats with the layout now proposed. However, I saw at my site visit that the appeal property was now arranged as a 2-bedroom flat. I have therefore considered the appeal on the basis that the development proposed has not yet occurred.

## Main Issue

3. The main issue is whether Flat 14, as proposed, would provide appropriate living conditions for future occupiers in respect of internal living space.

## Reasons

4. The appellant contends that both proposed flats would be single occupancy, however the bedroom of the proposed front flat (flat 14) would exceed the minimum floorspace for a double bedroom as set out in the 'Technical housing standards – nationally described space standard' (NDSS). That room was furnished as a double room at the time of my site visit and, as the size of the room would not be altered under the appeal proposal, it would still be capable of being used as such. Furthermore, the appellant's evidence indicates that, when the appeal property was previously two flats, flat 14 was occupied by 'tenants' rather than a single tenant, suggesting more than one occupant.

5. There is no mechanism before me to ensure that flat 14 would only be occupied by one person. I am not confident that a planning condition to that effect would be enforceable, given that the number of occupants could change frequently, posing considerable difficulties for monitoring and enforcement. As such, I

have considered this appeal on the basis that flat 14 could be occupied by two people.

6. Although there is some dispute between the main parties regarding the floor area of Flat 14, even using the appellant's higher figure of 44 square metres (sqm), it would be well below the 50sqm set out in the NDSS as the minimum requirement for a 1 bedroom, 2 person single storey dwelling. The combined kitchen and living area proposed would be relatively small and a route through it to the door to the outside space would be needed. This would further limit the area available for furniture and the ways in which the space could be configured. As a result, it would provide limited space for sitting and dining for two people and would not be a functional and adaptable space. Consequently, although the bedroom would be a good size, the proposed layout of flat 14 as a whole, would not provide sufficient internal space for the day-to-day activities and needs of occupiers.

7. The proposed rear flat (flat 14A) would have a bedroom in the proposed extension, which would be relatively small but nonetheless would provide sufficient space for a single occupant. Overall, the layout and size of flat 14A would comply with the NDSS for a 1 bedroom, 1 person single storey dwelling.

8. Nevertheless, due to the size and layout of flat 14, the proposal would not provide appropriate living conditions for future occupiers in respect of internal living space. As such the proposal would conflict with Policy DM12 of the Development Management Policies Document 2015 (DMPD) which requires that all new housing developments, including conversions, comply with external and internal space standards, including the NDSS.

9. The proposal would provide outside space for future occupiers, however DMPD Policy DM12 requires such provision in addition to adequate internal accommodation, not instead of it. While there may be other flats in the area without outside space, I have not been provided with their details and as such do not know the circumstances under which they came to be provided. Consequently, the provision of outside space would not justify allowing a sub-standard internal layout.

10. I note that previous tenants wished to stay in the flat beyond their minimum rental period, however this does not necessarily demonstrate that they were satisfied with the amount of accommodation provided, as other factors may have influenced their decision. As such, this does not justify provision of a dwelling with insufficient living space. Nor does the age of the property justify substandard provision, given the likely potential to be able to reconfigure the internal space as has evidently occurred several times in recent years.

11. The proposal would boost the supply of housing and make efficient use of land, as supported by both the DMPD and the National Planning Policy Framework (the Framework). However, it would conflict with the Framework requirements to secure well-designed and healthy places and provide a high standard of amenity for future users. While every dwelling makes a valuable contribution to housing supply, neither party has suggested that the Council cannot currently demonstrate a Framework compliant supply of housing land. Consequently, the benefits of providing only one additional dwelling carry little weight, and do not outweigh the conflict with the development plan.

12. The design and materials of the proposed single storey rear extension would be appropriate to the existing building, and it would not result in a significant loss of outside space for the proposed flats. However, these would be neutral impacts that would not weigh in favour of the proposal. As the extension is an integral part of the proposed subdivision of the appeal property into 2 flats, I cannot make a split decision and allow only that element.

**Conclusion**

13. For the reasons set out above, the appeal is dismissed.

*L McKay*

INSPECTOR