

Appeal Decision

Site visit made on 6 November 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2021

Appeal Ref: APP/T5720/W/20/3249007

2A Oakwood Avenue, Mitcham CR4 3DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Adam Thompson against the Council of the London Borough of Merton.
 - The application, Ref. 19/P1338, is dated 31 March 2019.
 - The development proposed is the existing roof realigned; dormer added to the rear; demolition of existing garage to create new access; internal alterations including new internal stairs to loft; new accommodation created in the loft; new windows added; existing chimney removed.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 01 December 2020.

Application for Costs

1. An application for costs was made by Mr Adam Thompson against the Council of the London Borough of Merton. This is the subject of a separate Decision.

Decision

2. The appeal is dismissed and planning permission refused.

Main Issue

3. The main issue is the adequacy of the living conditions for future occupiers of the proposed flat with regard to living space and layout, outlook and daylight.

Reasons

4. The application form describes the proposed works as set out in the final bullet point of the above header and is not specific as regards the nature of the accommodation to be provided. However, the appeal form refers to 'the creation of a one bedroom one person flat'.
 5. Turning firstly to living space and layout, the drawing of the proposed loft floor layout shows the bedroom with the annotation of 11.7sqm gross internal area (GIA). The Council says that in fact their measurements from the scaled plan show a GIA of 12.07sqm and this does not appear to have been disputed by the appellant. In either event the Government's nationally described space standards embraced by Policy 3.5 of the London Plan 2016 say that a single
-

bedroom should have a minimum floor area of 7.5sqm and a double or twin bedroom at least 11.5sqm.

6. Whilst these are minimum standards, I share the Council's view that the submitted plans and the measurements of the proposed bedroom are tantamount to the creation of a 1 bed 2 person flat which requires a minimum GIA of 50sqm whereas the unit has 46.65sqm. This latter floor area comfortably exceeds the 37sqm for a 1 bed 1 person flat which in this appeal is the appellant's interpretation of the application form's description of the proposed works. However, the allocation of extra floorspace to the bedroom 'at the expense of' the kitchen/diner and living space with its already somewhat awkward and constrained layout does not give credence to the creation of a '1 bed 1 person' development.
7. Indeed, the size of the bedroom would be likely to encourage two person occupation in what is effectively a studio flat suitable only for a single person. This limited suitability is as a result of its size below the minimum space standard for 2 person occupation and its layout constrained by the shape of the extended roof. On this basis I consider it reasonable to conclude that, in terms of size, the appeal proposal is unacceptable.
8. Turning to outlook and poor natural light, there is no technical evidence submitted by either of the parties in respect of daylight and sunlight. This point notwithstanding, the kitchen/diner and living space does at least have a dual aspect, albeit with modestly sized window openings. However, the roof light in its position furthest from the windows where natural light is most needed, is particularly small.
9. If there are technical and design reasons that genuinely preclude improvements to outlook and light for the kitchen/diner /living area, this might just be acceptable for a one person dwelling unit. However, the single small rooflight in the bedroom with no other opening window seems to me to be well below any reasonable judgement of adequacy, even allowing for a bedroom's lesser requirement for daylight and outlook compared to daytime living space.
10. Overall, whilst I concur with the Council's view that the principle of a further dwelling may be acceptable, I conclude that in its present form the appeal scheme would be in harmful conflict with national and local policies. These include Policies CS9 & CS14 of the 'Merton Core Strategy' 2011 and Policies DM D2 and 3.5 of the 'Merton Sites and Policies Plan' 2015 & the 'London Plan' 2016 respectively. In addition, there is paragraph 127f) of the National Planning Policy Framework 2019 which requires development to provide a high standard of amenity for existing and future users.

Other Matters

11. A range of other matters have been raised by a neighbour. However, some of these are not within the scope of planning control whilst those that are either do not in my view carry sufficient weight or can be addressed by appropriate conditions in the event of a grant of planning permission.

Conclusion

12. For the reasons explained above, the appeal is dismissed.

Martin Andrews

INSPECTOR