



Appeal Decision

Site visit made on 22 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021.

Appeal Ref: APP/G5180/W/20/3259226

72C Penge Road, London SE20 7UL

- 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 Stephen Danso against the decision of the Council of the London Borough of Bromley.
 - The application, Ref. DC/20/00382/FULL1, dated 17 March 2020 was refused by notice dated 23 June 2020.
 - The development proposed is the conversion of a 3 bedroom flat into 1 studio flat and 1 one bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the adequacy of the proposed flats as regards their size and in the case of the studio flat also the floor to ceiling height.

Reasons

3. Policy 9 of the Bromley Local Plan (2019) ('the Local Plan') deals with the conversion of a single dwelling into two or more self-contained residential units. Supporting paragraph 2.1.71 states that conversions should comply with the London Plan (2016) as updated and that proposals should address areas such as minimum space standards. The Notice of Refusal refers to Policy 3.5 of the London Plan and the Nationally Described Space Standards (2015) ('the NDSS'). During the processing of this appeal the London Plan 2021 has been published and the relevant policy now appears to be Policy D6, accompanied by Table 3.1 which makes clear that it also applies to conversions.
 4. The submitted plans for the proposed one bedroom unit on the second floor of show that it would have a bedroom with a floor area of 13sqm. As this exceeds the 11.5sqm minimum for a double or twin room under the NDSS the assumption has to be made that the accommodation will be occupied by two persons. Under the aforementioned Table 3.1 this results in a minimum gross internal floor area ('the GIA') of 50sqm.
 5. The submitted drawing DRG/001/221119 shows the 'Existing Second Floor' as having a GIA of 43.5sqm which is an aggregate of the floorspace figures for all the identified rooms including the hall. Drawing No. DRG/003/170320:
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'Proposed Second Floor' appears to show the same physical extent of floorspace but with a revised layout, again aggregating to 48.3sqm. As with the first Drawing, the size of each room and the hall is identified but there is no obvious explanation as to the overall increase of almost 5sqm. The Council says that when measured on the scaled plans the area is 44sqm and this therefore appears to confirm the accuracy of the first rather than the second drawing.

6. In respect of the studio flat the plans of existing and proposed accommodation both show a floor area of 39.6sqm which equates to the minimum for a 1 bed 1 person unit in Table 3.1. However, the NDSS also indicates that floor area below 1.5m should not be included in the measurement and that 75% of the unit's floor GIA should have a minimum ceiling height of 2.3m. The Council argues that the adjusted floor area (excluding the areas of 1.5m or less) is just 31sqm (but for the sake of argument 32sqm as per the application plan) and that only 22sqm of this would be above 2.3m. In summary the shortfall for the studio flat compared with the NDSS would be 7.6sqm of useable GIA with only 68% as opposed to required 75% of the total above the minimum height.
7. The appellant argues that the shortfalls compared to the NDSS are 'marginal' but in so doing uses figures that are disputed by the Council. On the balance of the evidence I consider the Council's estimates to be the more accurate. The appellant's statement also has a reference to an altered plan showing the bathroom in the loft plan amended to a shower room (so as to reduce the floorspace requirement by 2sqm) but I have not been provided with this and must determine the application on the plans before me.
8. Nor does a bedroom of 13sqm rather than 11.5sqm or less give me the option of assuming a one person occupation of the second floor flat. In summary, on the basis of the appeal scheme as presented, I conclude that the overall GIA shortfall of 13.6sqm (6sqm for the larger flat and 7.6sqm for the loft studio) would be more than 'marginal' and compounded by the inadequate proposed studio headroom.
9. Furthermore, contrary to the appellant's assertion, the NDSS figures are minimum standards rather than guidelines and are a specific requirement of London Plan Policy D6. I have noted the argument that in all other respects the accommodation would be satisfactory and that insistence on total compliance with the NDSS figures should not mean that '*an individual will not have a home to live in*'. However, whilst I have some sympathy with this view it could, and no doubt would, be advocated for most if not all conversions. And anything more than the tolerance of a more obviously marginal shortfall would undermine the objectives and efficacy of the Council's policies and the NDSS.
10. For the above reasons and having had regard to all other matters raised the appeal is dismissed.

Martin Andrews

INSPECTOR

