

Appeal Decision

Site visit made on 8 April 2021

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

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/M3645/W/20/3261873
82B Croydon Road, Caterham CR3 6QD

- 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 Nicholas White against the decision of Tandridge District Council.
 - The application, Ref. TA/2019/2013, dated 22 November 2019 was refused by notice dated 24 April 2020.
 - The development proposed is the conversion of the top floor of an existing maisonette to form a new self-contained studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living standards for future residents in terms of the provision for internal living space, outlook and private amenity space.

Reasons

3. The proposed studio flat would be formed by the part conversion of an existing maisonette to create a new contained unit of accommodation on the top floor. The Council's Notice of Refusal refers to the assessment that the proposed studio flat would have an inadequate floor area, which would be exacerbated by some of it having an insufficient floor to ceiling height. In order to support this assertion, reference is made in the Planning Officer's report to the Nationally Described Space Standard 2015 ('the NDSS').
 4. First and foremost, the appellant's case is that the application of the NDSS in this case would not be appropriate, because its introduction in 2015 was contingent on a Written Ministerial Statement (WMS) to the effect that the standard should only be applied where there is a relevant current Local Plan policy.
 5. I agree that the WMS still applies and that the Council was in error in its referral to the NDSS as a basis for refusal in its Decision Notice. Nonetheless, the quantity and quality of the living space of the proposed studio flat, together with the adequacy of outlook and amenity area, is part of an overall judgement as to the planning merits of the development.
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6. The Gross Internal (Floor) Area ('GIA') would be 21sqm, reducing to 19sqm because the proposed flat's location in the roof space means that the area closest to the eaves has only limited headroom and is only suitable for storage. I do not support the appellant's argument that a shared lobby and storage area of 14sqm on a lower level can reasonably be counted as being part of the living space.
7. Leaving aside any comparison between the useable GIA of 19sqm and the minimum 37sqm deemed necessary for a one bed / one person flat under the NDSS, from observations on my visit I consider that the proposed dwelling would be cramped to an extent that it would not provide more than an essentially very basic standard of living. This is because the limited floorspace available would need to accommodate all the facilities necessary for day to day living, sleeping, cooking and sanitation.
8. Furthermore, as the Council points out, the outlook would be confined to a rooflight to the rear and a small dormer window to the front. I acknowledge that dual aspect is a plus point, but the view through the angled roof light would by definition be restricted whilst the dormer would overlook the takeaway's forecourt and the busy Croydon Road. The modest extent of the glazing would also be likely to result in a limited level of daylight in the flat in the mornings given the westerly aspect of the dormer. However, given the dual aspect I do not regard daylight in itself as a determining issue in the appeal.
9. As regards the use of the rear garden, having walked the somewhat lengthy and convoluted route between the second floor accommodation and this outdoor space I did not regard the latter as being easily accessible. But even if this is not the opinion of a potential occupier, the poor quality of this outdoor space in terms of its condition and outlook would in practice be unlikely to provide any tangible level of amenity for the occupiers of the proposed studio flat. I cannot see its attraction for even for the most simple amenity of sitting out in pleasant weather.
10. For the appellant it is argued that the premises would fulfil a need for a young person looking to get on the housing ladder in a prohibitively expensive area and that there are local policies that support subdivision of larger properties to provide smaller and more affordable ones. I acknowledge this but do not consider that this approach should result in homes of an inadequate size.
11. Overall, I conclude on the main issue that living standards as regards living area, outlook and amenity space would be unsatisfactory and that the appeal scheme would be in conflict with Policy DP7 of the Tandridge District Local Plan: Part 2 – Detailed Policies (2014) and with paragraph 127f) of the National Planning Policy Framework 2019. The former includes a requirement for proposals to provide a satisfactory environment for occupiers of new development, whilst the latter says that planning decisions should create places that have a high standard of amenity for future users.
12. For these reasons and taking all other matters raised into account I dismiss the appeal.

Martin Andrews

INSPECTOR