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# Appeal Decision

Site Visit made on 18 May 2021

**by Scott Britnell MSc FdA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 July 2021**

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**Appeal Ref: APP/H5960/W/20/3249934**

**15 Duntshill Road, London SW18 4QN**

- 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 Sam Harwood-Hemmings against the decision of the Council of the London Borough of Wandsworth.
  - The application Ref 2019/4831, dated 6 November 2019, was refused by notice dated 11 February 2020.
  - The development proposed is conversion into single family house from 2 flats & single storey rear extension.
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## Decision

1. The appeal is allowed and planning permission is granted for conversion into single family house from 2 flats and single storey rear extension at 15 Duntshill Road, London, SW18 4QN in accordance with the terms of the application, Ref 2019/4831, dated 6 November 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Unnumbered Site Location Plan, 4764.
  - 3) All external materials used in the construction of the development hereby approved shall match the type, texture, tone, colour, size and profile of those used on the existing building and shall be retained permanently.
  - 4) Prior to the commencement of above ground works (excluding demolition), details of the location, number and design of secure and covered cycle parking shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details prior to the occupation of the development and shall be retained thereafter for cycle parking purposes for the users of the development and for no other purpose.
  - 5) Prior to the commencement of above ground works (excluding demolition), details of the siting, design and materials of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the local planning authority. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation of the development, and shall be retained thereafter.

## **Preliminary Matters**

2. Following the determination of the application subject to this appeal, the Mayor of London published the new London Plan (March 2021). I sought comments from the main parties with regard to this matter and I have taken their responses into account.
3. The appellant has submitted two floor plans of the existing ground floor flat with the appeal that were not previously seen by the Council. The plans do not alter the proposal. The Council and interested parties have also had the opportunity to review these documents and make comment on them as part of the appeal process. On this basis, I have accepted them and had regard to them in my decision.
4. The Council's decision notice refers to Policy LP5 of the Wandsworth Local Plan Core Strategy (2016) (CS). However, this policy does not exist. The Council and appellant have both referred to Policy PL5 in their evidence. I have had regard to this policy instead.
5. A single storey extension has been erected to the rear of the existing ground floor flat. That extension differs from the proposal before me, including in terms of its roof form and the arrangement of doors upon its rear elevation. For the avoidance of doubt, I have considered the proposal on the basis of the drawings before me. With regard to the proposed extension, I note that the Council have no objection to this element and I see no reason to reach a different conclusion.

## **Main Issue**

6. In light of the above, the main issue is the effect of the development on the mix of housing in the area.

## **Reasons**

7. There is no in principle policy preclusion against the conversion of flats to single family dwellings. Policy DMH1 of the Wandsworth Local Plan Development Management Policies Document Adopted March 2016 (DMPD) allows for development which would result in the loss of residential units, providing certain criteria are met. The policy lists four criteria. However, as the second and third criterion are split by an 'or' it suggests that they are not all required to be met to satisfy the policy's requirements.
8. The first criterion allows for development which involves combining separate non family-sized flats in order to create a family sized unit. The Council acknowledge that both existing flats are not family sized units and there is no compelling evidence before me to lead me to reach a different conclusion. The Council have highlighted the fact that these are purpose-built flats, rather than the reversion of homes that have been subdivided to family accommodation. However, there is nothing in Policy DMH1 which suggest such factors are relevant. Consequently, I am satisfied the development would comply with this criterion. The second criterion relates to the development of residential properties located above non-residential uses. As such, this is not relevant to the appeal proposal.
9. The third criterion permits development where it would result in the upgrading of sub-standard residential accommodation. There is some dispute between the

parties as to whether the existing flats would meet the minimum space standards. However, even if one of the flats were substandard, it is not by a significant margin. Moreover, there is no evidence to suggest that they are incapable of providing a satisfactory living environment. Based on my observations I do not consider the accommodation to be sub-standard. Consequently, the proposal fails to comply with this criterion.

10. The fourth criterion permits development where it would not result in a loss of smaller affordable housing units for larger family private market units. There is no evidence to suggest the existing flats meet the definition of affordable housing. As such, the development would not result in the loss of such dwellings and there would be no conflict with this part of the policy.
11. There would therefore be no conflict with three of the four criteria. As only one of the two limbs of the policy must be met, meeting the requirements of criteria i. and ii. is sufficient to ensure compliance with the policy overall.
12. I have had regard to the evidence submitted in respect of The Wandsworth Borough Council Strategic Housing Market Assessment Update 2014 (Revision 1 – October 2014) (SHMA). This indicates that first time buyers are being excluded from the market locally in Wandsworth. As such, there is a need to further develop options that give first time buyers more options in the property market. However, the SHMA also indicates that the second hand market is not meeting the demand for family units arising from households ready to trade up from smaller accommodation. Therefore, there is also a need for family sized housing in the borough which is not being met.
13. Consequently, the proposal would contribute to the overall mix of housing in the area, providing greater variety and choice in the housing stock. It would provide a family house for which the evidence before me indicates there is a need. Therefore, while there would be a loss of two smaller residential units, and a net loss of one residential unit overall, this would be acceptable given the benefit of the provision of a much needed family sized unit.
14. In conclusion, I am satisfied that the development would not result in unacceptable harm to the housing mix of the area. Accordingly, there would be no conflict with CS policies PL5 and IS5 or DMPD policies DMH1 and DMH3 which seek, amongst other things, to ensure development provides a mix of types and sizes of dwellings.

### **Other Matters**

15. The Council have indicated that no other conversions have been allowed to take place on Duntshill Road. Nevertheless, this has had no bearing on my decision. The Council did not refuse the application on the basis of any impact on local character and nothing I have seen would lead me to conclude there would be unacceptable harm in this respect. I have considered the appeal on its own merits and any future proposal would need to be considered in the same manner.
16. I am therefore satisfied that the proposal would be consistent with the requirements of the development plan and that there would be no material considerations that would lead me to reach a different conclusion.

## **Conditions**

17. The Council have suggested a number of conditions that it would wish to see imposed in the event that the appeal is allowed. In imposing conditions I have had regard to the relevant tests set out in the National Planning Policy Framework.
18. In the interests of certainty, I have imposed a condition specifying the approved plans. To ensure that the development is completed in a manner sympathetic to the host building and the area, I have imposed conditions requiring matching materials and the provision of refuse and recycling storage.
19. To promote alternative modes of transport to the private motor vehicle, I have imposed a condition requiring the provision of cycle storage. The appellant indicates that he currently uses a shed in the rear garden for this purpose. He has expressed concern the suggested condition would require the provision of a cycle store in the front garden, which he considers could have a harmful effect on the streetscene. However, such a condition is required for the reason I have identified and I have imposed it accordingly. It is a matter for the appellant and the Council to agree the location of the storage in due course.

## **Conclusion**

20. For the reasons given I conclude that the appeal should succeed.

*Scott Britnell*

INSPECTOR