



Appeal Decision

Site visit made on 27 April 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/A5840/W/21/3287486

46 Camberwell Church Street, Southwark, London, SE5 8QZ

- 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 Husseyn Guzel against the decision of London Borough of Southwark.
 - The application Ref 21/AP/3307, dated 17 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is creation of a one bedroom self-contained unit on part of the first and second floors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development, the subject of this appeal has already been implemented. Permission is sought for its retention. The application form describes the proposal as "*retain studio flat C in outrigger*". The unit is arranged over two floors and therefore is not a studio flat but a one bedroom flat. The description in the banner heading is therefore taken from the Council's decision notice.

Main Issue

3. The main issue is whether the proposal results in satisfactory living conditions for future occupiers in relation to unit size and layout.

Reasons

4. The appeal relates to a three-storey mid terrace property with a rear outrigger comprising a ground floor shop unit with residential accommodation on the two floors above. The application form refers to the 'existing use' as "*first floor and second floor flats*". The submitted drawings include 'pre-existing floor plans' showing a 1-bedroom flat to both first and second floors. Both have a floor area of about 50 sqm and include a living/diner area in the rear outrigger at a lower level accessed via steps from the kitchen. There is no planning history before me to indicate the status of these flats.
5. The proposed additional unit (flat C) is wholly within the outrigger with a kitchen/diner at first floor level linked to a second floor bedroom via a new staircase. Both rooms are indicated to have a floor area of 9.9 sqm resulting in a total floor area of almost 20 sqm. The original 1-bedroom flats have both been reduced in floor area; the plans indicate each to have a remaining floor area of 34.6 sqm.

6. Policy D6 of the London Plan (2021) requires housing development to be of high quality design, provide adequately-sized rooms and meet the minimum gross internal floor area and built-in storage area as set out in Table 3.1. The table specifies 37 sqm for a studio unit on one floor with a shower and 58 sqm for a dwelling arranged over two floors. The additional unit created in the outrigger falls substantially short of these minimum floor area specifications and the two retained but reduced flats also fail to meet these standards.
7. The works to create the additional unit were undertaken prior to adoption of the new London Plan, but the table of minimum floor areas is replicated in the Council's 2015 Technical Update to the Residential Design Standards SPD (2011). Notwithstanding the appellant's protestations about the absence of a definition of a studio flat within this document, there was clear information in the SPD about the minimum internal floor areas for new units prior to commencement of the works.
8. The additional unit provides cramped accommodation with an awkward layout arranged over two floors. The retained flats are also under-sized with a poorly designed layout including a narrow area at a lower level within the outrigger. The proposal provides poor quality accommodation in respect of unit size and layout and is thereby contrary to Policy D6, to the SPD and to Saved Policy 4.2 of the Southwark Plan (2007) which also requires provision of good quality living conditions.
9. The appellant comments that the additional unit is intended for a medical student and to "*optimise the potential of the property in accord with Central Government advice/guidance and to provide for a specific unit in the times of the Covid Pandemic*". Students deserve to have satisfactory living conditions. According to the application form, the works commenced and were completed prior to the Covid Pandemic. The appellant also refers to plans where units have been provided on two different levels; but there is no information on where this is or when it was approved. Accordingly, this attracts little weight in my consideration.
10. The proposal would have the benefit of providing an additional dwelling in a sustainable location in helping to meet overall housing need. But development plan policies require such dwellings to be of a satisfactory size and layout.
11. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material circumstances before me to justify a decision other than that in accordance with the current development plan.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR