



Appeal Decision

Site visit made on 19th May 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/E5330/W/21/3287899

9 Eglinton Hill, Plumstead SE18 3PG

- 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 Evro Estates Ltd against the decision of Royal Borough of Greenwich.
 - The application Ref 21/3215/F, dated 29 August 2021, was refused by notice dated 29 October 2021.
 - The development proposed is "Extension and modification of existing block of floor [sic] flats to create new side accommodation new basement and new front light wells and loft conversion with roof lights. 2 new rear dormer windows 2 new flush roof lights and related internal changes. All to retain 4 existing dwellings and create 4 new ones. (Update of lapsed approval from 2017)."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of future occupants of proposed flats 4A, 4B, 1A, 2, 3 & 5 in respect of adequate living space.

Reasons

3. The appeal site is a three-storey semi-detached building with a two-storey outrigger and it is situated on the east side of Eglinton Hill in Plumstead. The site forms a pair with no.11 Eglinton Hill which adjoins the site to the south. The subject property currently contains four flats; a one bedroom flat on the ground floor, a studio and one bedroom flat on the first floor and a one bedroom flat on the second floor. The site is not level meaning that the front of the lower ground floor is almost a basement whilst the rear is almost at ground level. The surrounding character of the area is residential, with a number of commercial units existing on nearby Herbert Road further north. There is a bus stop outside the property.
4. The proposed development includes the erection of a two storey side extension to the north of the main building up to the common boundary with the neighbouring property, a two storey side extension to the rear outrigger, dormers to the original dwelling and new side extension and creation of lower ground floor accommodation to main house and extensions. There would be eight flats created in total (5 x 1 bedroom, 3 x 2 bedroom).

5. The London Plan 2021 policy D6 (housing quality and standards) sets out minimum standards required to achieve high quality residential accommodation. The Technical Housing Standards – Nationally Described Space Standards (2015) 'NDSS' also sets out minimum requirements for internal floor space. The Mayor of London Housing Supplementary Planning Document (2016) applies the NDSS. Individual dwelling types are expressed with reference to the number of bedrooms and the number of bedspaces or people that can be accommodated within these bedrooms. This allows for different combinations of single and double/twin bedrooms to be reflected in the minimum Gross Internal Area 'GIA'.
6. For policy purposes, in order to provide two bedspaces, a double (or twin) bedroom has a floor area of at least 11.5 sqm. Proposed flat 1A is on the ground floor on the north side of the proposal and provides 2 bedrooms. One is annotated as a "Children's Bedroom" but, notwithstanding that, shows a double bed and GIA of 11.5 sqm. Therefore at 11.5 sqm it is to be taken as 2 person occupancy and so the proposed flat in total is 4 person occupancy (as the other bedroom is shown as 13.6 sqm). At 61.5 sqm the GIA of the flat is significantly below the minimum standard of 70 sqm. The living conditions for occupants of that flat would not be acceptable. They would be too cramped.
7. Proposed flat 2 would be located on the first floor and would have two bedrooms with GIAs of 11.5 sqm and 13.6 sqm. As the GIA of the bedrooms would exceed that for a double/twin bedroom it would be a 2 bedroom 4 person flat and not a 2 bedroom 3 person flat as stated by the appellant. At 68.8 sqm the GIA of the flat is below the minimum standard of 70 sqm. The flat would have floor-to-ceiling heights of 2.3m, meeting the minimum requirements of the technical housing standards and being marginally below that of the London Plan. Having regard to this and the flat's layout it is considered that the flat would not provide acceptable living conditions.
8. Proposed flat 4A would be on the lower ground floor. It would have two bedrooms with GIAs of 11.5 sqm and 13.6 sqm. As the GIA of the bedrooms exceeds that for a double/twin bedroom it is a 2 bedroom 4 person flat and not a 2 bedroom 3 person flat as stated on the submitted plan. At 63.1 sqm the GIA of the flat would be significantly below the minimum standard of 70 sqm and would not provide acceptable living conditions for occupants.
9. Proposed flat 4B would be on the lower ground floor at the rear. The bedroom would have floor-to-ceiling heights of 2.5m, however the proposed bathroom and living/kitchen areas, which make up about 70% of the GIA would have floor-to-ceiling heights of 1.9m and so would be below the minimum standards (2.3m or 2.5m). As a result of this shortfall the flat would not, in my view, have adequate living conditions.
10. Proposed flat 3 would be located on the second floor of the primary dwelling and within the roof space of the proposed side extension. The flat would be a one bedroom, one person flat. The GIA of about 40.9 sqm complies with the minimum standard of 39 sqm. The flat would have floor-to-ceiling heights of about 2.5m within the original house which would accommodate the bedroom and bathroom. However, no section through the depth of the proposed side extension or marked plans have been provided to demonstrate the floor-to-ceiling height within the roof space of the living and kitchen area. Having regard to this, insufficient details have been provided to demonstrate to me that the flat would provide acceptable living conditions.

11. Proposed flat 5 is split over the second floor and proposed converted loft space of the main house and has one bedroom. The submitted plan indicates that the bedroom would have 11 sqm of "countable standing height". However, there is no further detail to show how this was calculated. The Council calculates a minimum of 17 sqm of the floor area within the proposed bedroom would have a floor-to-ceiling height of greater than 1.5m and therefore would be included within the GIA. As the GIA of the bedrooms exceeds that for a double/twin bedroom it is a 1 bedroom 2 person flat and not a 1 bedroom, 1 person flat as stated by the appellant. Being two storeys the GIA of the flat should meet the minimum standard of 58 sqm. At 56 sqm the GIA of the flat falls short of the standard. Without the detail of showing how the countable standing height was calculated, there is insufficient evidence for me to conclude that the flat would provide adequate living conditions.
12. I have borne in mind that relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval. It does not imply actual occupancy or define the minimum for any room in a dwelling to be used for a specific purpose other than in complying with the standard. In this case, for each proposed flat I have borne the standards in mind and considered the overall space in each flat before concluding whether or not an occupant's living conditions would be unduly compromised or whether there is sufficient information to make that conclusion.
13. I have taken into account that there is an expired planning permission for an identical scheme at the site which was never implemented (ref: 17/2190/F). However, this does not remove the identified harm that would be experienced by future occupants as a result of cramped living conditions.
14. In respect of the main issue, I conclude that the proposal would not provide, or has not demonstrated that it would provide, an acceptable quality of living accommodation for future residents. I find the proposal is contrary to policy D6 of the London Plan 2021, policy H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies "Core Strategy" (July 2014), the Mayor of London Housing Supplementary Planning Guidance (March 2016) and the Technical Housing Standards – Nationally Described Space Standards (27 March 2015).

Planning Balance and Conclusion

15. There would be tangible public benefits in adding 4 dwellings to the London housing stock and boosting the supply of housing and also knock-on economic benefits from the construction/conversion work and the spending of additional residents in the local area. However, in this case those benefits are not sufficient to outweigh the harm I have identified. Consequently, having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas Q.C.

INSPECTOR