
Appeal Decision

Site visit made on 27 July 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2022

Appeal Ref: APP/H5960/W/21/3287650

55 Pevensey Road, London SW17 0HP

- 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 T Nalliah against the decision of the Council of London Borough of Wandsworth.
 - The application Ref 2021/2608, dated 31 May 2021, was refused by notice dated 1 November 2021.
The development proposed is conversion of an existing dwelling into two 2 bedroom apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of proposed development above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development would also involve extensions to the existing building, comprising erection of a hip-to-gable roof extension with rear dormer and a single storey extension to the rear. The Council dealt with the proposal on this basis and so shall I.
3. Additional drawings PR/102/A and PR/003/B were provided with the appeal and include sections showing floor to ceiling heights. Drawing PR/003/B is not entirely consistent with the application drawings in terms of the proposed arrangement of windows. However, the external dimensions of the proposed dormer window appear to be as shown on the application drawings. The Council has had the opportunity to respond to this information provided at appeal stage. As such, the additional evidence on floor to ceiling heights would not prejudice any party. I have therefore taken account of this evidence.

Main Issues

4. The main issues are:
 - the effect of the proposal on the supply of family housing,
 - whether the proposed development would provide satisfactory living conditions for future occupiers, with particular reference to internal space for both flats and outlook, sunlight and daylight for the ground floor flat.

Reasons

Supply of Family Housing

5. Policy DMH2 of the Wandsworth Local Plan Development Management Policies Document adopted 2016 (DMPD) says that conversion of dwellings with less than 150sqm of existing habitable floorspace will only be permitted where the property is unsuitable for families. The supporting text interprets suitability in terms of location, explaining that properties above shops or offices, in town centres or along busy main roads may be regarded as unsuitable for families.
6. The appeal site is located in a predominantly residential area. It does not appear to be adversely affected by busy traffic or disturbance from commercial uses. There are education and recreation facilities nearby. Therefore, in terms of its location, the existing dwelling on the appeal site is suitable for family occupation.
7. The existing dwelling is vacant and in need of extensive refurbishment. However, there is no compelling evidence that it is incapable of being refurbished and brought back into use as a single dwelling.
8. The dwelling currently provides modest two bedroom accommodation, with potential for an additional bedroom and ground floor room once extended. There is a small private garden to the rear. Both the main parties agree that the total floorspace would remain under 150sqm following implementation of the proposed extensions. As such, the dwelling is capable of accommodating a family and falls within the size threshold set out in the policy.
9. I conclude that the proposal would unacceptably reduce the supply of family housing. This aspect of the proposed development would be contrary to Policy DMH2 of the DMPD, where it aims to safeguard existing properties providing up to 150sqm of floorspace.

Living Accommodation

10. Based on the proposed bedroom sizes, it appears that both of the proposed flats have been designed for three person occupation. As such, the minimum required gross internal floor area for the upper flat, which has two storeys, is 70sqm, based on the Technical Housing Standards – Nationally Described Space Standard (2015) (NDSS). Both main parties agree that this flat would have a floorspace under 70sqm, although they disagree as to the exact figure.
11. The NDSS requirements are clearly expressed in terms of the minimum floorspace required for satisfactory living accommodation. No other standards have been put to me. While the plans confirm that both flats would meet the required floor to ceiling height across at least 75% of gross internal area, in line with the NDSS, the areas with reduced headroom are concentrated in the second bedroom and bathroom of the upper flat. Both of these rooms would also have a rather inflexible layout, limiting options for furnishing and use. Therefore, the shortfall against the minimum floorspace would result in cramped and inflexible accommodation which would not provide satisfactory living conditions.
12. Turning to the ground floor flat, there would be a single opening in the rear wall of the rear double bedroom. The outlook through this opening would be

significantly restricted, as it would face directly and at close quarters onto a tall blank wall.

13. Given the orientation of the site, the proposed rear extension would obstruct direct sunlight for most of the day, with the possible exception of a short period in the evening. Furthermore, the very limited fenestration, the outlook into the lightwell and the orientation of the site would result in a rather gloomy and unappealing internal space, lacking an adequate level of daylight. There is no clear evidence to the contrary.
14. This would be the larger bedroom and therefore likely to be an important space for future occupiers. For the reasons set out above, it would not provide an acceptable standard of living accommodation.
15. The appellant has alluded to a similar arrangement having been permitted elsewhere in the Borough. However, I do not have any evidence as to the design of other developments, their orientation in relation to sunlight or any other relevant circumstances surrounding the grant of planning permission. Therefore, I cannot be sure they are directly comparable to the scheme before me. In any event, the possible existence of unsatisfactory living accommodation elsewhere does not justify further such development on the appeal site.
16. I conclude that the proposed development would not provide satisfactory living conditions for future occupiers, with regard to the internal space for the upper flat and outlook, sunlight and daylight for the ground floor flat. This conflicts with policies DMS1, DHM4 and DHM6 of the DMPD. These policies amongst other things require that new dwellings comply with the NDSS and provide adequate daylight to habitable rooms.

Other Matters

17. While the proposed conversion would increase the supply of properties suitable for smaller households, any benefits to supply would be small given the scale of the scheme.
18. I have noted the appellant's comments highlighting absence of identified harm to neighbours' living conditions, noise and disturbance, highways and transportation, waste management arrangements, water consumption and fire safety. Even if I were to agree that there would be no unacceptable effects on these issues, this is a neutral factor which is not capable of overcoming the conflict with other aspects of the development plan.

Conclusion

19. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR