



Appeal Decision

Site visit made on 14 October 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/E5330/W/22/3296308

72 and 74B Westcombe Hill, Blackheath, London SE3 7DY

- 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 Kultar Vagha of Platinum Gold Homes against the decision of Royal Borough of Greenwich.
- The application Ref 21/3656/F, dated 11 October 2021, was refused by notice dated 20 December 2021.
- The development proposed is the subdivision of existing 3 bed flat into 2 x one bed self-contained flats with associated refuse storage and cycle storage.

Decision

1. The appeal is allowed and planning permission is granted for the subdivision of existing 3 bed flat into 2 x one bed self-contained flats with associated refuse storage and cycle storage at 72 and 74B Westcombe Hill, Blackheath, London SE3 7DY in accordance with the terms of the application, Ref 21/3656/F, dated 11 October 2021, 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: Proposed Floor Plans, Drawing Number – 3317/P/51 Rev A; Proposed South and East Elevations, Drawing Number – 3317/P/52; Proposed North and West Elevations, Drawing Number 3317/P/53.
 - 3) The development shall not be occupied until arrangements shall have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:
 - (i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
 - (ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

- 4) The development shall not be occupied until the refuse and recycling storage arrangements as shown on the approved plan, drawing number 3317/P/51 Rev A have been implemented. The area shall thereafter be made available at all times for the sole purpose of storage of refuse and recycling.
- 5) The development shall not be occupied until the cycle storage arrangements as shown on the approved plan, drawing number 3317/P/51 Rev A have been implemented. The area shall thereafter be made available at all times for the sole purpose of storage of cycles.

Preliminary Matters

2. The application plan, proposed floor plans, drawing number 3317/P/51, shows a proposed bathroom to flat 74C on the second-floor plan. As part of the appeal, the appellant has replaced this bathroom with a shower-room. As this is a minor amendment, and the Council's concerns on the original set of plans are clear in their evidence, I do not consider that their interests would be prejudiced if I take this amended plan into account. I have therefore considered the appeal based on the proposed floor plans, drawing number 3317/P/51 Rev A.

Main Issues

3. The main issues are whether or not the proposed development would provide 1) acceptable living conditions for future occupants with specific regard to internal space and amenity space, and 2) acceptable refuse storage facilities.

Reasons

Living conditions – future occupants

4. The appeal property is a three-storey building with a commercial unit on the ground floor and residential flats above. It is situated on the corner junction between Westcombe Hill and Humber Road, in a predominantly residential area. It is situated in close proximity to Westcombe Park station and a number of bus routes on Westcombe Hill, giving it a highly accessible location.
5. The upper floors of the building currently comprise two residential units. The proposed development involves the subdivision of the existing three-bedroom flat on the second floor to 2no. one-bedroom flats.
6. The units would measure 37.5 sqm and 40.8 sqm. I observed on my site visit that each unit would have acceptable levels of daylight, sunlight, outlook and privacy.
7. In terms of the internal space, the Council acknowledge that one of the proposed units, flat 74B would comply with the minimum space standards for a one bedroom, one person dwelling, as outlined in Policy D6 of The London Plan (2021). The Council consider, however, that flat 74C would provide unacceptable living conditions as it would fall short of the minimum space standards for a one bedroom, one person dwelling, as outlined. It would provide 37.5 sqm which would be 1.5sqm short of the minimum size required by the policy.
8. Policy D6 of The London Plan states that where a one bedroom, one person dwelling has a shower room instead of a bathroom, the minimum floor area for the unit may be reduced from 39sqm to 37sqm. The requirement to meet the

nationally described space standard is also outlined in the Mayor of London's Housing Supplementary Planning Document (SPD) (2016). Based on the amended floor plan submitted with the appeal, the unit would comply with the policy and thus there would not be unacceptable living conditions in relation to internal space.

9. Neither of the proposed units have any private outdoor amenity space. This would be contrary to the requirement of Policy D6 that a minimum of 5sqm of private outdoor amenity space should be provided for dwellings of the size proposed. It would also be contrary to Policy H5 of the Royal Greenwich Local Plan which requires that in flats, a good-sized balcony, a terrace or enclosed communal gardens should be provided.
10. The existing three-bedroom unit that would be converted does not have any private outdoor amenity space. On travelling to and from the appeal site, I observed that there are small areas of public amenity space and larger areas of public open space in the surrounding area. Therefore, given the absence of private amenity space in the larger existing unit, when combined with the open space in the surrounding area, despite the conflict with the policy, I do not consider that there would be unacceptable living conditions for future occupants.
11. Therefore, the proposed development would provide acceptable living conditions for future occupants. It would provide acceptable internal space, in accordance with Policy D6 of The London Plan and the SPG. Despite some conflict with Policy D6 of The London Plan and Policy H5 of the Local Plan, with regard to the provision of private outdoor amenity space, the proposed development would provide two dwellings with acceptable internal space in a highly accessible location. Combined with the other material considerations outlined above, this outweighs the conflict with the policy.
12. The Council's reason for refusal on this matter refers to Policy H(a) of the Royal Greenwich Local Plan (2014). This policy concerns the protection of existing housing and is not pertinent to this main issue.

Refuse storage

13. The proposed development includes a dedicated area for refuse storage. Due to relocation of the existing side access gate, the area made available for refuse storage would increase from the current arrangement.
14. The current arrangement caters for two existing three-bedroom flats. The proposed development would result in an increased area catering for one three-bedroom flat and two no. one-bedroom flats. Although there would be an overall increase in the number of units, this would be matched by an increase in the size of the refuse storage area. The increased area could be secured by a planning condition in the event the appeal is allowed.
15. I observed on my site visit that the existing area appeared to be of a size suitable to deal with the refuse requirements of the existing units without any adverse implications to the health and safety or amenity of surrounding properties. It follows that the combination of an increase in the size of the refuse storage area and a reduction in the number of bedspaces as a whole would be unlikely to result in an unacceptable impact. Furthermore, there are

powers outside the planning process to deal with any highway obstruction and any public health impacts of waste.

16. The proposed development would therefore not result in an unacceptable impact in terms of refuse storage. It would comply with Policy DH1 of the Royal Greenwich Local Plan (2014) which requires, amongst other things, that developments demonstrate on-site waste management and storage.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of certainty.
18. The Council has suggested several conditions which I have considered against advice in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG). As a result, I have amended some of them for consistency, clarity and omitted others.
19. A condition is necessary to secure the development as car-free housing. This is in the interests of promoting sustainable travel, in accordance with the requirements of Policy T6 of The London Plan, and Policy IM(c) of the Royal Greenwich Local Plan. The appeal property is within a CPZ (Controlled Parking Zone). On my site visit it did not appear to suffer from parking stress, although this may not be the case at other times. However, the reason for the condition is in relation to sustainable travel as opposed to adverse parking implications. I have amended the wording suggested by the Council to include reference to disabled person's badge holders.
20. In the interests of amenity, it is necessary to impose a planning condition requiring the implementation of refuse storage facilities. In the interests of promoting sustainable travel and reducing the need to travel by car, it is necessary to impose a planning condition requiring the implementation of cycle storage facilities. These facilities are required to be implemented prior to the occupation of the development to ensure that such facilities are made available from the outset.

Conclusion

21. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR