



Appeal Decision

Site visit made on 16 February 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MARCH 2023

Appeal Ref: APP/G5180/W/22/3301825

4 Anerley Station Road, Penge, London SE20 8PT

- 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 Michael Price against the decision of London Borough of Bromley.
 - The application Ref DC/21/05409/FULL1, dated 15 November 2021, was refused by notice dated 20 April 2022.
 - The development proposed is construction of a rear dormer extension and conversion of loft with internal alterations to form a studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for future occupants, including the provision of private amenity space.

Reasons

3. The proposal does not include any private outdoor space to serve the proposed studio flat. Therefore, it would not meet the requirements of Policy D6 (Housing quality and standards) of The London Plan (2021) (London Plan) which requires that a minimum of 5 square metres of private outdoor space should be provided for 1 – 2 person dwellings.
4. My attention has been drawn to the Mayor of London's Housing Supplementary Planning Guidance (2016) (SPG) which confirms that in exceptional circumstances, where site constraints make it impossible to provide open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. Having regard to this guidance, I will now go on to assess the proposed internal living space both in qualitative and quantitative terms.
5. The closest comparable dwelling type under Policy D6 is a one-bedroom, one-person, single storey unit. In the absence of a specific defined measurement for a studio flat, I find this pertinent to my considerations. In cases such as the appeal proposal, where a shower room is provided rather than a bathroom, Policy D6 requires that such units should have a minimum gross internal floor area (GIA) of 37 square metres (sq m). This also reflects the minimum GIA for such units in the Department for Communities and Local

Government 'Technical housing standards – national described space standard' (2015) (national standard).

6. Notwithstanding the Council's concerns that the staircase and storage area would not add to the quality of the accommodation, there is no dispute between the main parties that the proposal would have a GIA equating to 43.07 sq m. On the face of it, the proposal would therefore have a GIA above the minimum floor space requirements of the London Plan and the national standard with additional internal living space equivalent to the area of the private open space requirement.
7. However, the national standard requires that at least 75% of the GIA has a minimum floor to ceiling height of 2.3m. The evidence before me suggests that that the percentage of the GIA within the studio flat with a minimum floor to ceiling height of 2.3m would be close to, but below this requirement. As the national standard requires 'at least 75%', the proposal would not comply.
8. Moreover, Policy D6 requires that the minimum floor to ceiling height must be 2.5m for at least 75% of the GIA. The supporting text for Policy D6 states 'To address the impacts of the urban heat island effect and the fact that the majority of housing developments in London are made up of flats, a minimum ceiling height of 2.5m for at least 75 per cent of the gross internal area is required so that new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space'.
9. Given the specific reasons for higher minimum ceiling heights for housing developments in London, I attach greater weight to the requirements of Policy D6 than the national standard in this instance. There is no evidence before me to suggest that any of the studio flat's GIA would meet the minimum floor to ceiling height requirements of Policy D6. In that respect, the quality of the GIA, including the additional internal living space equivalent to the area of the private open space requirement, would be significantly compromised.
10. I accept that it is likely that there are other flats in the locality that do not benefit from private amenity space and that a studio flat would be likely to be occupied by a single adult where private amenity space would be less likely to be expected than for example might be the case for a residential unit occupied by a family. It has also been brought to my attention that there are areas of public open space in close proximity to the appeal site including at Betts Park and Crystal Palace Park. From what I have seen, similar circumstances were factored into amenity space considerations when the Council granted planning permission for other developments in the Borough.
11. Even taking the above factors into account, given the site-specific deficiencies in floor to ceiling heights identified, this is not an instance where the quality of accommodation indicates that there are exceptional circumstances which overcome an absence of private outdoor space.
12. Studio flats often comprise of an open plan living space and the appellant has confirmed that a fully integrated kitchen would be installed. Even so, the deficiencies in space identified indicate that the proposal would not provide for a comfortable and functional layout. Furthermore, no details have been provided in respect of how refuse and cycle storage would be provided. Without any details to demonstrate how such requirements could be met in the absence

of any private outdoor space, I cannot be certain that such facilities could be provided. This adds to the deficiencies already identified.

13. I conclude, the proposal would not provide acceptable living conditions for future occupants, including the provision of private amenity space. In that regard, it would conflict with the minimum space and high standard of design and layout requirements of Policy D6 of The London Plan and Policies 4 (Housing Design) and 37 (General Design of Development) of the London Borough of Bromley Local Plan (2019). For the same reasons the proposal would also conflict with paragraph 130 f) of the National Planning Policy Framework (the Framework) which includes that planning decisions should ensure that developments create places with a high standard of amenity for future users.

Conclusion

14. The Council has acknowledged that it can only demonstrate a 3.99 year housing land supply. In the circumstances, paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
15. In the context of the Government objective to significantly boost the delivery of housing, a one-person studio flat would make a minor contribution towards the provision and mix of housing in the area. There would also be modest social and economic benefits through the construction of the studio flat and its future occupation.
16. Given paragraph 11d is triggered, the conflict I have identified with Policy D6 of The London Plan is diminished. However, this policy sets minimum space standards and specifically seeks to address the urban heat island effect on living conditions in London. These are matters of great importance and, in the context of the Framework, the proposal would not provide suitable living conditions for future occupiers.
17. Accordingly, the adverse impacts identified would conflict with the policies of the Framework as a whole and would significantly and demonstrably outweigh the modest benefits identified.
18. Therefore, the appeal is dismissed.

M Russell

INSPECTOR