



Appeal Decision

Site visit made on 16 October 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/E5330/W/23/3318029

328 Woolwich Road, Charlton, London SE7 7AL

- 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 K Qureshi against the decision of the Royal Borough of Greenwich.
 - The application Ref 22/3491/F, dated 14 October 2022, was refused by notice dated 10 January 2023.
 - The development proposed is use of annexe as a 1 bed dwelling (C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name is spelt differently on the planning application form and the appeal form. The spelling of the appellant's name in the banner heading above is taken from the planning application form.
3. The Council's first reason for refusal on the decision notice states that '...the proposed development fails to provide any details as to how the residential unit would be accessed and how it would be subdivided from No. 328 Woolwich Road.' However, the submitted Block Plan (Ref: DPP/SD/22/09/03) shows that the proposed dwelling would be accessed from Rathbone Road and a new wall would be constructed to separate the proposed residential curtilages.
4. Within their submission the appellant has stated that this plan was submitted with the original planning application and the Council have not provided any comments to dispute this statement. As such, I have considered this Block Plan in my determination of this appeal.
5. The appellant's submission refers to Policies H3 and H20 from The Royal Borough of Greenwich Unitary Development Plan (2006) (UDP). However, the UDP has been superseded by the Royal Borough of Greenwich's Local Plan: Core Strategy with Detailed Policies, which was adopted in 2014. Consequently, UDP Policies H3 and H20 are not relevant in the determination of this appeal.

Main Issues

6. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to privacy, daylight, and internal and outdoor space;

- the effect of the proposed development upon the living conditions of the occupiers of number 328 Woolwich Road, with regard to privacy and outdoor space; and
- whether the proposal makes adequate provision for cycle, refuse and recycling storage facilities.

Reasons

Future occupiers

7. The appeal proposal seeks to convert a single-storey annex outbuilding, located within the rear yard of the end terrace property at 328 Woolwich Road, into a one-bedroom dwelling.
8. The Council assessed the application on the basis that the proposed dwelling would provide a 1x bedroom 2x person unit, as the proposed bedroom would measure 12sqm, and therefore is large enough to accommodate two people as it would exceed the 11.5sqm minimum requirement for a two-bedspace (double or twin) bedroom as set out in Policy D6 of the London Plan (2021) and the nationally described space standards¹.
9. Policy D6 of the London Plan, and the nationally described space standards, require a single storey 1x bedroom 2x person unit to measure 50sqm and include 1m of built-in storage space. Furthermore, Standard 24 of the Mayor of London Housing Supplementary Planning Guidance (SPG) (2016) states that all new dwellings should meet the nationally described space standards.
10. According to the Council's officer report, the proposed dwelling would measure 42sqm, and the appellant's appeal submission states it would measure 43sqm. Even using the higher of these figures, the dwelling would fall short of the policy requirement, and given the applicable standard is a minimum standard, this shortfall is significant.
11. The lounge and kitchen would be shared, with the submitted plans showing some fixtures and fittings in the kitchen area, and the bathroom would be accessed through the bedroom. The size and design of the rooms, and the layout in relation to doorways, would provide very limited scope for essential furnishings such as tables, chairs, sofas, beds, wardrobes, cabinets etc..., nor would they provide sufficient dining and circulation space, for two occupants and any guests. Furthermore, the plans do not detail the provision of any built-in storage.
12. In view of the above, the under provision of internal space would result in a cramped and undersized standard of living accommodation for future occupiers.
13. Policy D6 of the London Plan, and the Mayor of London Housing SPG, both also seek to maximise the delivery of dual aspect units. The proposed dwelling would have two windows in the front elevation, and a high-level window in the side elevation. The high-level window in the side elevation would be a secondary window serving the shared lounge / kitchen area. Whilst this secondary window would not provide an eye level view outside, it would still provide an upward view, as well as additional natural light and ventilation. As such, this window is sufficient to provide a dual aspect dwelling.

¹ Technical housing standards – nationally described space standard (March 2015)

14. Furthermore, the openings in the front elevation of the dwelling, and the additional high-level window in the side elevation, would provide all habitable rooms within the proposed dwelling with sufficient levels of daylight.
15. Policy D6 requires a two-person dwelling to provide a minimum of 6sqm of private outdoor space, and this requirement is also supported by the Mayor of London Housing SPG. The submission details how the proposed dwelling would provide 35sqm of outdoor amenity space to the front, and this would be separated from the dwelling at 328 Woolwich Road (number 328) by the construction of a new wall.
16. In respect of privacy, number 328 has a long rear yard area and the distance from the rear elevation of number 328 to the proposed dwelling, and its outdoor amenity space, is sufficient to ensure that future occupiers of the proposed dwelling would not be overlooked and would enjoy an adequate level of privacy within the dwelling and their outdoor area.
17. In view of the above, the proposed dwelling would provide future occupiers with acceptable living conditions in respect of privacy, daylight and outdoor amenity space.
18. However, for the reasons detailed earlier, the proposal's failure to adhere to the internal space standards set out in Policy D6 of the London Plan, and the national space standards, would result in unacceptable living conditions for the future occupiers. The proposal would therefore conflict with Policies D3, D4 and D6 of the London Plan and Policy DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014), which together seek to ensure, amongst other things, that housing developments should be of a high-quality design and provide adequately sized internal spaces.
19. The proposal is also contrary to Standard 24 of the Mayor of London Housing SPG (2016) which states that all new dwellings should meet the nationally described space standards. Furthermore, the proposal is contrary to paragraph 130(f) of the Framework, which seeks to ensure a high standard of amenity is provided for future users.

Effect on living conditions of number 328 Woolwich Road

20. The submitted Block Plan shows how the existing rear yard will be subdivided to provide a residential curtilage for each plot, and the boundary will be defined by a new wall. Should I have been minded to allow the appeal, a condition could have been attached requiring details of the height of this boundary wall to be submitted to and approved in writing by the Council, to ensure that acceptable levels of privacy would be retained for occupiers of No 328
21. With regard to outdoor space, the appellant's statement of case details how the occupants of No 328 would be provided with an external area of 45sqm, as well as a substantial shed measuring 21sqm. This provision significantly exceeds the requirements of Policy D6 of the London Plan and the Mayor of London Housing SPG, and is comparable to that found at other terraced properties within the wider area, and thus is acceptable.
22. I therefore conclude that the appeal proposal would have an acceptable effect upon the occupiers of 328 Woolwich Road with regard to privacy and outdoor space. Therefore, in relation to No 328 Woolwich Road, the proposal complies with Policy D6 of the London Plan and Policy DH(b) of the Royal Greenwich

Local Plan: Core Strategy with Detailed Policies, which together seek to ensure, amongst other things, that housing developments do not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of space and privacy they enjoy.

23. I also find no conflict with Standard 26 of the Mayor of London Housing SPG (2016).

Provision of cycle, refuse and recycling storage facilities

24. Policy T5 of the London Plan requires a minimum of 1.5 cycle spaces for every 2x person 1x bedroom unit. As such the appeal proposal would require the provision of 2no. cycle spaces.
25. The proposed external area serving the new dwelling is considered to be sufficiently sized for the storage of 2no. cycle spaces, as well as refuse and recycling storage facilities, the exact details of which could have been secured via conditions had the appeal been allowed.
26. As such, I conclude on this issue that the proposal would provide adequate provision for the storage of cycle, refuse and recycling facilities in accordance with Policies T5 and SI7 of the London Plan and Policies IM(b), IM(c) and DH(1) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies.

Other Matters

27. The Council's first reason for refusal refers to Policy Ha of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies, and this policy relates to protection of existing housing. The proposal would not result in the net loss of housing, and I therefore find no conflict with this policy.
28. The proposed single dwelling would make a modest contribution to the supply of housing in a predominantly residential area, with good access to nearby amenities. The proposal would also provide a single-storey 1xbedroom dwelling, which the appellant states will be used as a Lifetime Home, with a reasonably sized outdoor amenity area, and this adds to the housing mix in the immediate area which is generally characterised by two-storey terrace properties. These are benefits of the proposed development that are considered in the overall planning balance below.

Planning Balance

29. The Council accepts that its current housing land supply stands at 3.1 years, which represents a shortfall against the required five years. Paragraph 11(d) of the Framework states that, in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
30. Given the unacceptable living conditions for future occupiers of the appeal proposal which I have identified, I conclude that the proposal conflicts with policies in the development plan, and I consider this conflict with the policies to be significant. This harm also conflicts with paragraph 130(f) of the Framework. I attribute moderate weight to the benefits of the proposed development detailed within the other matters section of this appeal decision. However, I consider the adverse impacts of the proposal arising from the unacceptable

living conditions significantly and demonstrably outweighs these benefits, when assessed against the policies in the Framework taken as a whole and therefore the presumption in favour of sustainable development does not apply in this case.

Conclusion

31. For the reasons given above, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, including the Framework, that outweigh that conflict. Therefore, the appeal is dismissed.

R Major

INSPECTOR