



Appeal Decision

Site visit made on 5 December 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2024

Appeal Ref: APP/H5960/W/23/3324261

968 Garratt Lane, London, Wandsworth SW17 0ND

- 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 Anthony Forte against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2022/3620, dated 31 August 2022, was refused by notice dated 3 March 2023.
 - The development proposed is described as alterations including formation of a roof terrace with 1.7m high obscured glass surround above the four-storey back addition, in connection with creation of 1 x studio flat and 1 x 1 bed flat; Installation of a new side access door and French doors to ground floor rear elevation in connection with conversion of lower ground floor flat to provide 2 x studio flats; Alterations to enlarge front lightwell, rear access and landscaping, and relocation of cycle storage to provide shared outdoor amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for alterations including formation of a roof terrace with 1.7m high obscured glass surround above the four-storey back addition, in connection with creation of 1 x studio flat and 1 x 1 bed flat; Installation of a new side access door and French doors to ground floor rear elevation in connection with conversion of lower ground floor flat to provide 2 x studio flats; Alterations to enlarge front lightwell, rear access and landscaping, and relocation of cycle storage to provide shared outdoor amenity space at 968 Garratt Lane, London, Wandsworth SW17 0ND in accordance with the terms of the application, Ref 2022/3620, dated 31 August 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Section E of the appeal form indicates that the description of development has changed from that given on the application form. The appellant has provided written confirmation that a revised description of development has been agreed with the Council. As such, in the banner heading above, I have used the description of development provided in the appeal form.
3. Since determination of the planning application, the Wandsworth Local Plan 2023-2038 (LP) has been adopted in July 2023. Policies of the Development Management Policies Document, including Policies DMH2, DMH4 and DMH6 that were referenced in the Council's decision, have therefore been superseded by those contained in the LP.
4. At the time of the Council's decision, the relevant emerging policies of the LP were also detailed within the Officer's report and on the Council's decision

notice. Although the appeal was submitted prior to the adoption of the LP, the cases presented by both main parties reflect the policies in the new LP. As such, no party would be prejudiced by my consideration of the appeal based on the LP policies.

5. It has been brought to my attention that some elements of the proposal have been carried out. For the avoidance of doubt, I have determined the application based on the submitted plans.
6. Revised plans were submitted with this appeal showing section plans and a different arrangement in the rear garden. These plans do not significantly alter the scheme and the Council has had the opportunity to comment on the revised plan through the appeal process. I do not consider that any other party would be prejudiced by my acceptance of these plans. I have therefore determined the appeal based on the revised plans.
7. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023 accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. None of the revisions to the Framework would appear to be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

8. The main issues are:
 - the effect of the proposed development on the choice of housing stock within the borough and unit mix; and
 - whether acceptable living conditions would be created for the occupiers with particular regard to daylight, outlook, privacy, gross internal area and ceiling height.

Reasons

Choice of housing

9. 968 Garratt Lane (No 968) is a four-storey (two storeys plus lower ground floor and roof accommodation) semi-detached property which is currently occupied by six flats. There are residential properties nearby and the site is located close to Tooting Broadway Town Centre, which has a range of commercial, shopping and food/drink uses, amongst others.
10. Policy LP26 of the LP precludes the conversion of any existing dwelling with 130m² or less of floorspace into flats, unless it can be demonstrated that the dwelling is unsuitable for families. Planning permission has been granted for alterations to the property, including a 3-bed flat on the lower ground floor that would have a floor space of less than 130m². The appellant advises that the 3-bed flat was not delivered and two studio flats were provided instead. It is not for me to determine the lawfulness of the studio flats, however on the evidence before me it appears that the 3-bed flat never existed. As such, the proposal would not result in its loss.

11. Notwithstanding the above, the site is close enough to Tooting Broadway Town Centre and general hubbub of a town centre, even if not lying within one, to have a general background level of activity. Further, the site is off a main busy road, as I observed in my site visit. My attention is drawn to the absence of play space for children in the vicinity. I recognise that the quality of internal and external accommodation of the unit as a 3-bed flat would be acceptable, however the flat is in the lower ground floor so it would be less attractive for a family. Taken all these factors in combination, the 3-bed flat would be unsuitable for families.
12. While the supporting text to Policy LP26 recognises the importance of retaining family-sized accommodation, it also recognises that the demographic profile of Wandsworth is projected to continue to comprise smaller households. The lower ground floor comprises two studio flats, so it contributes towards this need.
13. The 2-bed flat on the second / third floors has been converted into one studio and one 1-bed flat. The Officer report acknowledges that the existing 2-bed flat is not suitable for family accommodation and sets out that this conversion is contrary to point B of Policy LP26. However, this point concerns conversions involving more than 130m² of floor space, so it is not applicable in this case. I have not been directed to any policy within the recently adopted LP related to unit mix, but the National Planning Policy Framework (the Framework) supports the delivery of housing for different groups. So, on this basis, the unit mix provided is acceptable as the proposal assists in meeting the needs of smaller households.
14. Drawing all the above together, I conclude that the proposal is not harmful to the choice of housing stock within the borough and unit mix. The proposal accords with Policy LP26 of the LP, which seeks to preclude the conversion of any dwelling with 130m² or less of floorspace into flats, unless it can be demonstrated that the dwelling is unsuitable for families. Further, the proposal accords with the Framework, where it supports a choice of housing that meets the needs of the different groups in the community.

Living conditions

15. The Council raised an objection to the floor to ceiling height of studio 2. Subsequently, the appellant has provided a section plan demonstrating that this studio complies with the required height. The Council is satisfied that this is the case and I see no reason to disagree. In terms of privacy, the appellant has submitted revised plans with this appeal that show a fence clearly separating the private space to studio 2 from the shared rear garden. This would improve the amount of outdoor space provided for this flat, while allowing for adequate outlook to be maintained due to the separation distance to the proposed fence. Therefore, this arrangement would be acceptable.
16. The appellant advises that the proposed bedroom in the converted flat 5 would be below the minimum floor area required for a 2-person occupation and, as such, this unit would be for single occupancy. On this basis, flat 5 would comply with the space standards for a 1-bed 1-person flat and therefore would be acceptable.
17. The appellant advises that studio 3 (annotated as flat 6 on the proposed plans) is a 1-person unit, so on this basis it meets the required space standards.

There is some dispute between the parties in relation to the amount of floor area that has a floor to ceiling height below standard. In my site visit I observed that, despite some space being under a sloping roof, the unit has good circulation space, has good light levels due to being dual aspect and the rear windows provide good quality outlook. For these reasons, overall, the quality of accommodation provided by this flat is acceptable.

18. The appellant has provided a section plan demonstrating that studio 1 complies with the required floor to ceiling height. The kitchen window faces the access path to the side of the property, so due to its location it has poor outlook and lets limited levels of daylight and sunlight into the unit. The front window in studio 1 has a northern aspect which limits the sunlight into the room. However, the proposal comprises enlarging the existing lightwell, which would improve the daylight within the unit. The enlarged lightwell would also improve the outlook by moving the existing wall away from this window. As such, the general environment of studio 1 would be acceptable.
19. In light of the above, I conclude that acceptable living conditions would be created for occupiers with particular regard to daylight, outlook, privacy, gross internal area and ceiling height. The proposal would accord with Policy LP27 of the LP, insofar as it would comply with the Nationally Described Space Standards and would provide acceptable levels of daylight and sunlight, and would ensure that future occupiers have a good level of privacy.

Conditions

20. The Council suggested a number of conditions, some of which I have edited for clarity. A condition is necessary to require the development to accord with the approved plans and fire strategy, as this provides certainty. In the interests of protecting privacy, a condition requiring the privacy screen on the terrace above the four-storey rear addition to be completed and retained is necessary. I have imposed two further conditions requiring the submission of details regarding cycle storage and water consumption, which are necessary to make the development acceptable in planning terms.
21. The appellant has submitted amended plans with this appeal, so a condition requiring details of the boundary treatment is not necessary. Drawing PL01 demonstrates that the waste facilities would remain as existing, so a condition related to waste provision is not necessary in this instance.

Conclusion

22. For the reasons given above, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, I conclude that the appeal should succeed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, PL01, PL05 rev D, PL06 rev D, PL08 rev C and Planning Fire Safety Strategy.
- 3) Within 6 months of the date of this permission, the obscure glazed screening shall be installed to each side and rear of the terrace above the four-storey rear addition at a minimum height of 1.7m above finished floor level. The screening shall be retained in place for the lifetime of the development.
- 4) Within 6 months of the date of this permission, details of the location, number and design of secure and covered cycle parking shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details within 6 months of their approval by the local planning authority and be retained for cycle parking purposes for the users of the development and for no other purpose.
- 5) The development shall achieve a maximum water use of 110 litres per person per day for homes (including an allowance of five litres or less per person per day for external water consumption) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government.

Within 6 months of the date of this permission, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the local planning authority and approved in writing, unless otherwise agreed in writing by the local planning authority. The agreed measures shall be retained for the lifetime of the development.