The Planning Inspectorate

Appeal Decision

Site visit made on 4 September 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/A5270/W/24/3344148
1 Salisbury Road, Southall UB2 5QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Sanjeev Manjania against the decision of the Council of the London Borough of Ealing.
- The application Ref is 240211FUL.
- The development proposed is described as 'Change of Use from C3 to x 2 Self-Contained 1 Bed 1 Person Flats. Proposed render finish was commenced on the 15th December 2023 with no other works being started until approval notice'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my visit I noted that the layout and footprint of the building do not correspond with the plans submitted as part of this appeal. I have made my assessment strictly on the basis of the plans before me.

3. The reasons for refusal on the decision notice do not refer to Policy GG4 of the London Plan 2021. However, the policy is referenced in both the Council's officer report and the appellant's statement. Accordingly, it is referred to in my decision.

4. Reference is made to Development Management: Development Plan Document Policy (DMDPDP) 3.4[1], but this refers to standards that were set out in the superseded 2011 London Plan. As a result, I ascribe less weight to this policy and I have considered this proposal against the more recent London Plan.

Main Issue

5. The main issue is the whether the proposed development would be an efficient use of existing housing stock and the effect of the proposed development on the living conditions of future occupants, with particular reference to internal layout and garden space.

[1] Adopted 2013

Reasons

6. The appeal site is a small end of terrace dwelling positioned within a small and unusual shaped plot. Rooms within the property are small but they facilitate the existing use well. To the rear the outdoor space is limited and comprises a triangular area enclosed by the flank walls of outbuildings on adjacent plots.

7. Whilst the policies referred to do not safeguard the loss of two-bedroom dwellings, Policies GG4, GG5 and H9 of the London Plan 2021 require good quality homes and the best use of housing stock.

8. The proposed flats would meet the overall minimum standards for one bed one person dwellings. However, the ground floor bedroom would meet the space standards for a double bedroom, therefore it is likely that this flat would be occupied as a one bed two-person dwelling. This would result in the ground floor flat not meeting the overall minimum standards as set out in the London Plan.

9. Even if, the flats are considered as one bed one person dwellings, both units fail to meet the living /kitchen/dining space requirements set out in the London Plan Guidance Housing Design Standards 2023 (LPGHDS). This guidance sets out that the standards at C2.5, should be met or exceeded, but both flats do not meet the required 21sq.m, thus emphasising the cramped nature of the units.

10. Policy D6 of the London Plan 2021 stipulates that a minimum of 5sq.m of private outdoor amenity space shall be provided for one to two person dwellings. Whilst the ground floor flat has access to the rear garden, there is no provision for private outdoor amenity space for the first floor flat. The lack of private outdoor amenity space for future occupants would be harmful to their living conditions.

11. Tying these considerations together, it has not been shown that adequate space would be provided which is ordinarily required for furniture and circulation. The proposed flats would accordingly fail to provide comfortable and functional rooms which are fit for purpose. Additionally, the first floor flat would have no access to appropriate outdoor space.

12. I acknowledge that the proposed development seeks to optimise the site. However, the loss of a well-proportioned small two-bedroom dwelling and its conversion into two cramped flats, as a result of reduced room sizes, due to changes to the internal layout, would fail to provide good quality homes or ensure the best use of housing stock.

13. For the reasons identified above, I conclude that the proposed development would not constitute an efficient use of existing housing stock and it would therefore have an unacceptable effect on the living conditions of future occupants, with particular reference to internal layout and garden space. The development is therefore contrary to the relevant provisions of London Plan Policies GG4, GG5 and H9 insofar as they require good quality homes. It is also contrary to London Plan Policy D6 and Policy 3.5 of the DMDPDP which refer to the standards in the LPGHDS. These amongst other things seek to provide quality housing and standards.

Other Matters

14. Whilst the appeal proposal would create one additional property with associated social and economic benefits, given the quantum of development these benefits would be limited and should not come at the expense of the suitability of the site for conversion and the living conditions of future occupiers. Accordingly, the harm would not be outweighed by the benefits to tip the planning balance in the appeal scheme's favour.

Conclusion

15. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

V Goldberg

INSPECTOR