



Appeal Decision

Site visit made on 6 November 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/A5840/W/24/3345928

Priceless, 121 Queens Road, London SE15 2EZ

- 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 M Akhtar against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 23/AP/0857.
 - The development proposed is construction of a 700mm roof extension forming a new floor, retention of a commercial unit and conversion to provide 3x one bedroom and 1x two bedroom residential dwellings with refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would provide satisfactory living conditions for its future residents in respect of internal living space, and whether it is viable to provide a contribution towards affordable housing.

Reasons

Living conditions

3. The proposed one bedroom dwellings would be located on the second, third and fourth floors and would have similar layouts to each other. The plans show the bedrooms in the flats at second and third floors would measure 12m². The bedroom on the fourth floor is shown as being slightly smaller at 11m², most likely because it is within the proposed mansard roof extension.
4. Policy D6 of the London Plan (2021) advises that a double bedroom must exceed 11.5m². The Council's own Residential Design Standards Supplementary Planning Document (SPD) (2015) also states that a double bedroom must be at least 12m². As such the bedrooms in the second and third floor flats would be sufficiently large to be double bedrooms. Although the appellant asserts they would be single bedrooms, it is reasonable to consider that, as they are large enough to be doubles, they could readily be occupied as such. Therefore they should be considered as double bedrooms and hence two person flats.
5. Policy D6 states that one bedroom two person dwellings should have a minimum total floor area of 50m². Policy P15 of the Southwark Plan (2022) reflects this. The flats at second and third floor level would have floor areas of only 39m² and so would both be considerably below the required minimum size.

6. In addition, the SPD advises that a combined kitchen, living and dining room in a one bedroomed property should be a minimum of 24m². On the submitted plans, each of the one bedroomed flats would have a combined kitchen, living and dining room of 19m². This is substantially below the standard. It is noted that this requirement has not been included in the more recent Southwark Plan, and is not in the London Plan. Nonetheless it remains a material consideration and is further evidence of the insufficient internal living space that would be provided in the upper floor flats.
7. As the development would provide flats and rooms that are smaller than the minimum standards, it would fail to provide acceptable living conditions for its future residents. As such it would conflict with Southwark Plan policy P15, London Plan policy D6 and the Residential Design Standards as set out above.

Affordable housing

8. Policy H4 of the London Plan requires all major developments to provide affordable housing, but adds that some Boroughs may require affordable housing contributions from minor developments. Policy P1 of the Southwark Plan says that development that creates nine homes or fewer must provide a financial contribution towards the delivery of social rented or intermediate houses equivalent to a minimum of 35%, subject to viability.
9. The appellant and the Council have both provided viability assessments. The appellant's assessment calculates that no contribution is viable, whereas the Council's finds that it would be viable for a commuted payment of around £51,000 to be made.
10. One reason for the different conclusions is because the Council suggest a Gross Development Value (GDV) of £1.4million, whilst the appellant suggests it is around £1.3million. The difference results from the appellant valuing the proposed 1 bed flats at £275,000 each instead of £300,000 as valued by the Council. There is also a slight difference in the valuation of the 2 bed flat of around £9,000.
11. The appellant's figures are based on an average from 16 one bed flats within half a mile of the site, whereas only three one-bed flats are included in the Council's assessment. Similarly the appellant's assessment considers the sales of 12 two bed flats, whereas the Council's considers only three. Whilst it is recognised that it is difficult to find directly comparable properties that are close to the site and have recently sold, the greater amount of data in the appellant's assessment leads me to consider it is more robust.
12. Even if I accept the Council's figures for all other aspects, including benchmark land value, construction costs, the rate of sales and finance fees, and noting that the rate of developers profit, the rate of professional fees and CIL contributions are agreed between the parties; the benchmark land value would exceed the residual land value. Therefore I consider it would not be viable for the development to make a contribution towards affordable housing. As such the development would not conflict with policy P1 as set out above.

Other Matters

13. The appellant advises that the development would facilitate remedial works to rectify the hazardous first floor ceiling. However I see no reason why these

relatively minor works could not be undertaken anyway separate to the appeal proposal.

Conclusion

14. Although it has been demonstrated that the development could not viably provide a contribution towards affordable housing, it would fail to provide acceptable living conditions for its future occupiers.
15. Accordingly, the proposal would fail to accord with the development plan as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. Therefore the appeal is dismissed.

A Owen

INSPECTOR