
Appeal Decision

Site visit made on 10 June 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/H5960/W/25/3361681

34 Cunliffe Street, Wandsworth, London SW16 6DS

- 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 Mrs Saratha Arunasalam against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/3212.
 - The development proposed is for conversion of dwelling at 34 Cunliffe Street, London SW16 6DS into Two Separate Units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on existing family accommodation;
 - ii) Whether the quality of the proposed accommodation would be satisfactory; and
 - iii) The effect of the proposal on the living conditions of neighbours.

Reasons

Effect on existing family accommodation

3. The proposal seeks the subdivision of a dwellinghouse ('the appeal property') into two flats.
4. On the information before me, the original floor area of the appeal property was less than 130sqm. Therefore, only Part A of Policy LP26 of the Wandsworth Local Plan ('LP') applies. This says that the conversion of any dwelling of 130sqm or less floorspace (as originally constructed) into flats will only be permitted where it can be clearly demonstrated that the existing dwelling is unsuitable for families.
5. In support of the above Policy paragraph 17.27 of the LP says that: The 130sqm threshold will apply except where the property is considered to be unsuitable for families. Location will be taken into account in determining whether a property is suitable for families. For example, properties above shops or offices, in town centres or along busy main roads may not be suitable for families and therefore the principle of conversion is likely to be acceptable.

6. The appeal property is a four bedroom dwellinghouse. This features an easily accessible rear amenity area and is located within a residential street and is not above a shop/office or along a busy main road. As such, this property is clearly suitable for families.
7. The supporting text to the above Policy acknowledges that a significant proportion of recent new build residential in the borough has been for 1 and 2 bedroom flats and apartments, and whilst the demographic profile of Wandsworth is projected to continue to comprise smaller households, it is still important to maintain a stock of family-sized dwellings in order to meet the future housing need for families enabling those wishing to stay in the borough after they have children to do so.
8. The appellant argues that the proposal supports the above objectives, with the creation of accommodation that complements the existing mix of dwellings in the area. In particular, that the proposed three bedroom flat would also provide family accommodation.
9. However, the three bedroom flat is to be located on the upper floors. Consequently, access to the ground floor is not direct, but via the walkway and staircase. Additionally, although by definition this unit would be capable of accommodating a family, in accordance with the Nationally Described Space Standard 2015, as amended ('NDSS'), a three-bedroom unit with double bedrooms across two floors requires a minimum floor area of 102 sqm. On the information before me, the floor area in the proposed three-bedroom flat falls short of this requirement. As such, I am unpersuaded that the appeal scheme would provide satisfactory family accommodation.
10. For the above reasons, the proposal would result in the loss of suitable existing family accommodation. This would undermine the existing choice of family housing stock within the borough and fails to accord with Policy LP26 of the LP.

Quality of proposed accommodation

11. The proposed conversion utilises the existing accommodation. Nevertheless, the NDSS requires a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area ('GIA'). Further, the London Plan (2021) has a requirement for a floor to ceiling height of at least 2.5m for 75% of the GIA for each flat.
12. More than half of the floor area for Flat 1, would meet the 2.5m floor to ceiling height requirement. The part of this flat which is below 2.5m is the existing living room, which serves the same purpose for the extant dwellinghouse. As such, this modest deficiency in the minimum floor to ceiling height is not in itself significant enough to warrant a refusal.
13. However, the two bedrooms on the ground floor are only served by small roof lights and do not incorporate any windows in their side facing walls. As such, these bedrooms would not be afforded acceptable outlook and daylight/sunlight.
14. Based on the most recent information before me, Flat 2 falls short of the 2.5m floor to ceiling height requirement. Moreover, as already stated, this fails to meet the minimum floor area requirement for the proposed three-bedroom flat (3 bedroom / 6 person unit).

15. To address the above matters, with regard to Flat 1, the appellant has suggested that it would be possible to create windows for the ground floor bedrooms, by reinstating these on the northeast flank elevation of this property. Alternatively, it is suggested that the two existing bedrooms could be joined to create a 1 bedroom, 2 person unit, with the bedroom served by the existing rooflights and that a high level window could be installed between the kitchen and the bedroom to further increase daylight levels.
16. In respect of Flat 2, it is suggested that this could be reconfigured to comply with the Council's floor area requirements for a 3 bedroom / 5 person unit.
17. However, no amended drawings and/or conditions have been provided to secure the above suggested amendments. In any event, the Procedural Guide, Planning Appeals-England, states that the appeal process should not be used as a mechanism to evolve a scheme. Accordingly, I have determined the appeal on the original plans and drawings submitted with the planning application.
18. For the above reasons, the quality of the proposed accommodation would be unsatisfactory and fails to comply with Policy LP27 of the Wandsworth Local Plan (2023). Amongst other things, this Policy says that all new residential development, including new-build dwellings, conversions and change-of-use schemes where new dwellings are created, will be required to comply with the NDSS; meet all requirements for housing standards and private internal space set out in Policy D6 of the London Plan and provide for an acceptable level of daylight for each habitable room, and optimise the opportunity for enabling direct sunlight.
19. The proposal would optimise the site's capacity and increase the quantum of housing which is supported by some national and local policies. Nonetheless, in this case, the design of the proposed scheme would secure unsatisfactory housing units at the expense of suitable family accommodation. Therefore, the proposal would be contrary to the aim of London Plan Policy D3, which seeks to optimise site capacity through a design-led approach.

Living conditions of neighbours

20. The proposed scheme features an external staircase and walkway along the northeast side of the appeal property. This would provide access to the three bedroom flat which would be split over the upper floors of the appeal property.
21. The walkway measures about 11m in length. Part of this walkway would extend along the side of the amenity area associated with the flats to the northeast of the appeal site. Because of the height and design of the walkway, this would allow views towards the amenity areas to the flats and other nearby dwellings in Penrith Street and Fenthorpe Road.
22. Because of its linear design, the sole purpose of the walkway is to allow access between the building and the staircase to the rear garden. Also, due to its limited width, the walkway would not enable residents to comfortably congregate along it. As such, this would not result in any unactable actual or perceived overlooking. I am also mindful that the appeal property incorporates rear facing windows and the flats feature a communal walkway at a similar height to the new walkway. These elements already allow for a degree of overlooking of neighbouring properties, which is expected in this built up area.

23. Therefore, having regard to the design and function of the walkway and the existing context, I am unpersuaded that the proposed arrangement would result in any unacceptable loss of privacy to the occupiers of neighbouring dwellings.
24. The proposal therefore accords with Policy LP2 of the LP, which amongst other things requires that development avoids unacceptable levels of overlooking (or perceived overlooking) and undue sense of enclosure onto the private amenity space of neighbouring properties.

Other Matters

25. As already acknowledged, the appeal scheme utilises existing accommodation. This has a generous internal floor area and incorporates some bedrooms which offer an acceptable outlook and daylight/sunlight. Also, the existing arrangement allows direct and easy access to the rear garden of this property. Therefore, the existing arrangement is acceptable and not comparable to the proposed scheme.

Conclusion

26. I have found that the new walkway to facilitate the proposed conversion, would not harm the living conditions of neighbours. However, the proposal would result in the loss of suitable existing family accommodation and the quality of the proposed residential units would be unsatisfactory. For these reasons, and conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR