



Appeal Decision

Site visit made on 12 November 2025

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref. APP/M3645/W/25/3370743

82a Limpsfield Road, Warlingham CR6 9RA

- 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 McHardy (Ideaplan) against the decision of Tandridge District Council.
 - The application ref. is TA/2025/581.
 - The development proposed is: *Rear dormer with front roof lights loft conversion.*
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Decision

1. The appeal is allowed and planning permission is granted for rear dormer with front roof lights loft conversion at 82a Limpsfield Road, Warlingham CR6 9RA in accordance with the terms of the application, ref. TA/2025/581, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans titled and/or numbered: Site Location Plan; and Existing and proposed floor plans and section LIM82A- I.
 - 3) No development, other than internal works and the front roof lights, shall take place until details / samples of the tiles to be used in the construction of the 3 external walls of the rear dormer have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
 - 4) Notwithstanding condition 2 above, the loft floor shall not be occupied until the existing small bedroom at the rear on the first floor has been converted into a study or some other form of non-bedroom accommodation and thereafter retained as such, so that at any time the maximum number of bed spaces / persons in the resulting 3-bedroom, 2-storey flat shall not exceed 6.
 - 5) Construction works, including the erection and dismantling of any scaffolding, shall take place only between 08.00 and 17.00 on Mondays to Fridays and 08.00 and 13.00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Main issue

2. The main issue is whether the internal living conditions for future occupiers would be satisfactory with particular reference to floor space.

Reasons

3. The appeal site falls within a typical purpose-built terraced parade of 2-storey properties which contain ground floor commercial uses with residential flats above. The first floor flats, including no. 82a, are accessed from a private road at the rear. I saw that no. 82a is undergoing repairs and is not currently occupied but it evidently provides a 2-bedroom flat as recorded on the existing first floor plan. The proposal seeks to extend the existing flat by utilising the roof space. Combined across the first floor and new loft floor, the proposed flat would have 4 bedrooms.
4. The appellant does not seek to dispute the internal floor area measurements provided by the Council. Instead, he is critical of their reliance on the failure of the scheme to meet the *Technical housing standards – nationally described space standard* (NDSS). I share his concern for 2 key reasons.
5. The NDSS was devised to be relevant for new dwellings. The appeal scheme seeks to enlarge an existing dwelling unit rather than create a new one.
6. Secondly, the NDSS is not a nationally prescribed standard. The NDSS can only be applied if there is reference to it in a development plan policy and where the need for an internal space standard has been justified. The development plan policies quoted by the Council in the reason for refusal do not adopt the NDSS or otherwise state or even imply a requirement for a minimum internal space standard.
7. Therefore, compliance with the NDSS cannot be required in this case and any deficiency in comparison to that standard, when it is used as an advisory benchmark, can only be afforded limited weight.
8. Policy DP7 of the Tandridge Local Plan (LP), a general policy for new development, addresses the matter of safeguarding amenity. Amongst other things, it expects proposals to provide a satisfactory environment for the occupiers of both the existing and new development. This is consistent with paragraph 135 f) of the National Planning Policy Framework (the Framework).
9. The deficit in the internal space of the rear first floor bedroom as a single bedroom, when compared to the NDSS, would be extremely marginal. This would be unchanged of course if the appeal scheme was refused. However, the overall unit as proposed would be restricted in size if the intention is for it to be occupied as a 4-bedroom flat with 7 bed spaces, as seems possible from studying the plans. As a guide, the shortfall would be of the order of about 13 sq. m (11.25%) below the relevant standard in the NDSS. Of particular concern to me would be the functionality of the sole living room for 7 persons, whatever furniture layouts might be envisaged, especially as the new staircase would reduce the size of that room.
10. The appellant says he would be happy to discontinue the use of the existing small bedroom on the first floor as a condition of approval and reuse it as a study. It is necessary to consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Administratively, such a condition would not fundamentally alter the nature of the proposal or the description of the development proposed. In practical terms, it would offer a notable increase to the floor area given over to day-to-day living space and reduce the potential occupancy of the flat to 6 persons (3 double or twin bedrooms equating to 6 bed spaces). Also, in such a scenario, the bedroom the Council has identified as being undersized would be omitted and more importantly the gross internal floor area of the unit

would match, almost exactly, the space standard set out in the NDSS for 3-bedroom, 6-person, 2-storey dwellings.

11. On the basis set out in the above paragraph, all 3 bedrooms would be of reasonable dimensions and the layout, size and quality of the accommodation would be acceptable for day-to-day living for 6 persons. I find on the main issue that the internal living conditions for future occupiers would be satisfactory with particular reference to floor space and the proposal would accord with LP Policy DP7, Tandridge District Core Strategy (TDCS) Policy CSP 18 and the Framework.

Other matters

12. The Framework expects decision-makers at every level to approve applications for sustainable development where possible. The site is in a sustainable location being within the existing built-up area of Warlingham (a Category 1 settlement), next to bus routes and bus stops and within walking distance of shops and services.
13. The Council in its written statement criticises the alleged absence of private amenity space. This contradicts its commentary on this matter in its delegated report. In any event, I saw that the rear garden is available to any occupiers of the existing and proposed flat. It is sufficiently private and of adequate size for drying facilities, cycle storage, bins and outdoor relaxation.
14. There are 2 car parking spaces clear of the rear private drive available for the 3-bedroom unit. This would accord with the Tandridge Parking Standards Supplementary Planning Document. Other parking takes place along the side of the rear private drive or in front of the terraced parade.
15. The 2 car parking spaces occupy land in front of a garage which is under construction. Third parties are concerned about the construction of the garage but that building is not directly before me in this appeal.
16. The local planning authority raised no objections in relation to character and appearance or neighbouring residential amenities. I see no reason to reach a different view on those matters, except it would be reasonable for the hours of construction works, including the erection and dismantling of any scaffolding, to be controlled given the proximity of neighbouring residential occupiers in the same terrace. A condition covering this matter was suggested in the delegated report. So, such a condition should not come as a surprise to any party.

Conditions

17. In the event of the appeal being allowed, the Council's written statement suggested that 5 conditions should be imposed. I have considered these in the light of the guidance on conditions in the Framework and the Planning Practice Guidance.
18. In addition to the standard time limit condition, a condition is suggested to ensure that the development is carried out in accordance with the submitted plans. This is necessary for the avoidance of doubt and in the interests of proper planning.
19. It is necessary to ensure that external materials are selected carefully to safeguard the visual amenities of the area, including the distinctive rear roofscape of the terrace which is covered by small plain tiles. I have amended the Council's suggested condition on this topic as no new dwellings are being permitted and the focus can be properly placed on the choice of tiles for the walls of the rear dormer.

20. I have not imposed suggested condition 4. I do not read into Policy CSP 14 of the TDCS that the installation of renewable technology would be mandatory for what would be simply an extension to an existing residential property. Paragraph 12.10 of the TDCS says that the Council will encourage existing householders to install energy conservation and renewable energy schemes by use of its discretionary powers and where available through grants. Part L of the Building Regulations expects thermal efficiency requirements to be met to avoid excess energy loss.
21. I have not imposed suggested condition 5. I have not read anything to clearly justify restricting the limited range of national permitted development rights that might be available. There is nothing to suggest that the proposed development would only be acceptable if those rights are not exercised in the future.
22. I have added a condition about the reuse of the small bedroom at the rear on the first floor for the reasons set out in paragraphs 10 and 11 above. This condition will include a clause allowing for this limited deviation from the plans condition. A condition on construction hours is added for the reasons set out in paragraph 16.

Conclusion

23. For the reasons given above and having had regard to all other matters raised, I conclude that this appeal should succeed.

Andrew Dale

INSPECTOR