

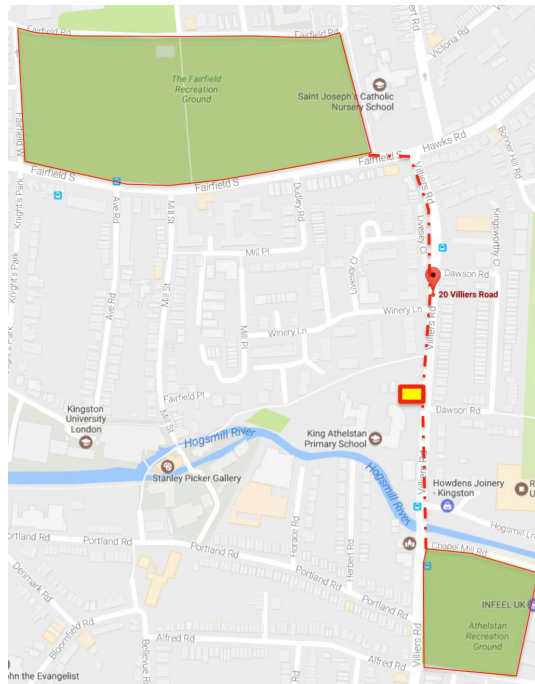
## AMENITY PROVISION FOR FLATS DEVELOPMENT

The appeal cases below seek to demonstrate a degree of flexibility can be applied when it comes to providing onsite amenity provision for new dwellings including flats. This flexibility can come in the form of unit sizes, proximity to alternative public open spaces and a provision of both. The appeals vary across Borough's and it is recognised that in some Borough's the requirement is far less than others and in other cases there are no prescribed standards. It also sets out references to London Plan amenity standards, which have informed several of the appeal decisions.

### **APP/Z5630/W/17/3168528 & APP/Z5630/W/17/3173718 – July 2017**

20 Villiers Road, Kingston, KT1 3AR

Proposal was for 5 and 6 flats schemes with limited onsite amenity provision for a mix of Studios, 1, 2 & 3 bedroom flats, in close proximity to parks.



*The proposed amenity space would be located partly to the front of the development and also to the rear within the undercroft area. Criterion h of Policy DM10 of the Core Strategy requires development proposals to ensure adequate private and/or communal amenity space and the detailed requirements are set out in the Residential Design Supplementary Planning Guidance (SPG) 2013. The Council acknowledge that the requirement has been exceeded for both Appeal A and Appeal B when taking the total amount of amenity space into account. However, the Council consider that the proposed outdoor amenity space to the front would only be suitable for soft landscaping purposes and that the internal amenity space would not be of an acceptable quality due to its sense of enclosure and the limited natural light that it would receive. It, therefore, considers that the total useable proposed outdoor amenity space would fall short of the Council's requirements. It also states that no details are provided as to how the space would practically work.*

*The appellant clarifies that the internal landscape area will be designed to be a place of seating with wooden benches and a Japanese style inner garden. The inner walls would be white render to reflect daylight. The internal amenity area could also be lit for use in the evening. I consider that the combination of internal and outdoor space would provide sufficient room for the usual range of*

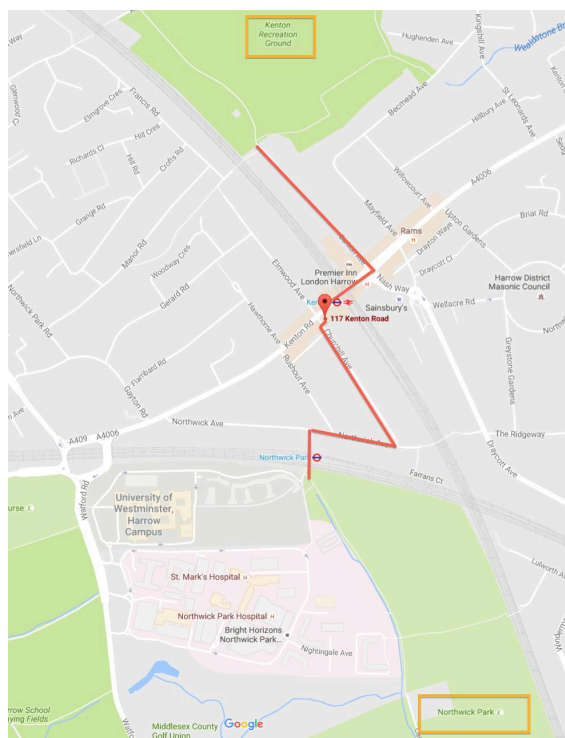
activities associated with amenity areas including sitting indoors or out, drying washing and children's play. Indeed, the indoor area would provide amenity space for the evenings and in wet weather. Furthermore, a condition requiring details of the design and arrangements for the use of the indoor space could be imposed.

There would only be one family sized unit in Appeal A and Appeal B, with the remainder of the proposed flats being studio flats or 1 or 2 bedrooms. In addition, I note that there are two parks in close proximity to the appeal site. The proposal would also meet the London Plan open space requirements. Taking these factors into account, I consider that both Appeal A and Appeal B would make sufficient provision in terms of both quantity and quality for amenity space provision.

For the reasons stated above, I conclude that both Appeal A and Appeal B would make sufficient provision for amenity space and provide acceptable living conditions for future occupiers. They would not, therefore, conflict with Policy DM10 of the Core Strategy or the SPD. Furthermore, no conflict would arise with paragraph 17 of the Framework, which seeks to ensure a good standard of amenity for future occupants of land and buildings.

**APP/T5150/W/17/3169197 - May 2017** Neasden Electronics, 117 Kenton Road, Brent.

Proposal was for a mix of 8 flats/studio with no onsite amenity but within proximity to parks.

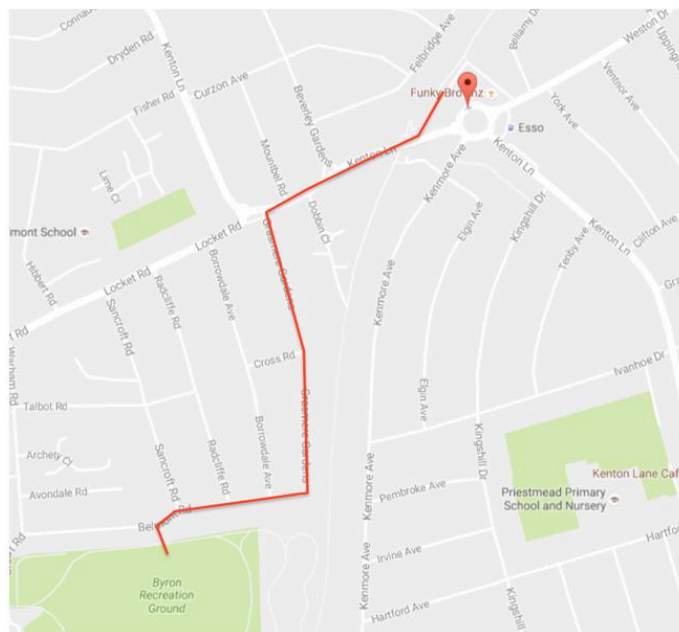


The built form of the development would occupy the majority of the site and there would be no external amenity space provided for the use of future occupiers. Policy DMP19 of the Development Management Policies requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy the proposed residents' needs. This is normally expected to be 20 sqm per flat. Therefore, the development would be in conflict with this policy and also SPG17, which reflects the requirements of Policy DMP19 in terms of open space standards.

*The appellant explains that the site is constrained due to its location and there is very limited scope for providing amenity space. Also, it is argued that the type of residential accommodation proposed is unsuitable for families, and open space should not therefore be a requirement. Given the location of the site, I agree that it would be difficult to provide an area of amenity space of a suitable size that would not be overlooked or otherwise compromised by the adjoining commercial uses. Moreover, the site is within walking distance of two public parks which are accessible to pedestrians. The parks would provide facilities for outdoor recreation that is more likely to satisfy residents' needs than any outdoor space which could be provided on site. Consequently, I find that the development should not fail for this reason alone. Although the requirements of Policy DMP19 would not be met, the site constraints and proximity to local parks justify a lower standard in this case.*

**APP/M5450/W/16/3158255** - 25 Cooper House, Belmont Circle, Harrow.

Proposal was for a 2-bedroom family dwelling in close proximity with no onsite amenity but within proximity to a public park.



*'The Mayor of London's Housing Supplementary Planning Guidance (HSPG) sets out that 5m<sup>2</sup> of private amenity space should be provided for every one or two person dwelling, with a further 1m<sup>2</sup> for each extra occupant. Thus conflict would arise with the HSPG as no provision is proposed whatsoever on site.*

*However, there are public recreation spaces nearby at Priestmead Recreation Ground and Byton Recreation Ground. Both are within walkable distance and there are crossing points and footways to support pedestrian access. It is also not unusual for occupants of flatted development to have no private amenity space. This view has been held in appeal decisions at Leamington Crescent and Priory Gardens. While nearby flats do have small amenity spaces and the scheme does conflict with the HSPG, I do not consider that the appeal scheme should fail for this reason only, given that both public recreation spaces would fulfil Policy DM1 D(i) of the DMP which seeks to ensure there is a satisfactory quantum and form of amenity space for future occupiers of residential development.*

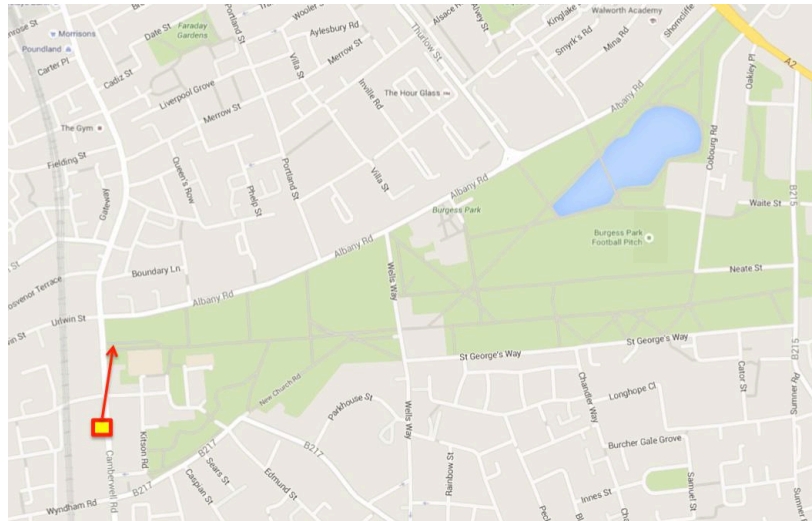
*The Council in refusing permission cite Policy 3.5C of the London Plan and the Technical Housing Standards – Nationally Described Space Standards (THS).*

*Both documents are concerned with minimum internal space standards rather than external amenity space provision. The Council recognise that the minimum internal space standards are exceeded.*

*While the scheme is contrary to the HSPG, I conclude, on this issue that this is outweighed by the large internal living space and the scheme's conformity with Policy DM1 D(i) of the DMP, Policy 3.5C of the London Plan, the THS and the RDGSPD. These policies, amongst other things, seek to ensure occupants have access to functional amenity space.'*

**APP/A5840/W/15/3136539** – 138-142 Camberwell Road, London, SE5 0EE.

Proposal sought extensions to existing building to form 4 additional 1-bedroom flats with no onsite amenity provision although having access to nearby public open space.



*'The Mayor's Housing Supplementary Planning Guidance (SPG) and the SPD seek provision of a level of outdoor amenity space in respect of all new development. The proposal makes no provision for outdoor amenity space in respect of the additional flats, which would provide one bedroom accommodation. As a result the flats are likely to be occupied by one or two people, as opposed to families. In general, such occupants would be less inclined to regard an outdoor amenity area as an important or necessary asset in terms of their living environment. They are just as likely to value factors such as the ease of access to local services and facilities and the public transport links that the appeal site would provide.*

*Moreover Burgess Park, an extensive public open space, is within convenient walking distance and is therefore easily accessible from the appeal site. I am given to understand that the park contains a number of public facilities for informal recreation and sport. Taking all of these factors into account, I would regard the proposal as providing satisfactory living conditions for future occupiers, even though it does not meet the outdoor amenity space requirements of the SPG and SPD.*

*Therefore, I find that the proposal has taken matters including the relationship with and provision of public communal and open spaces into account and it would be in accordance with LP Policy 3.5. The proposal would also accord with saved SP Policy 4.2, which seeks to achieve good quality living conditions including the provision of suitable outdoor space. The Council have also referred to conflict with CS Strategic Policy 7. However, the proposal would meet the Council's minimum overall floor sizes in the SPG and SPD and would therefore accord with Policy 7.'*

**APP/Z3635/W/15/3127979** – 62 Kenilworth Road, Ashford, Surrey, TW15

Proposal was for 3 dwellings (pair of semi-detached dwellings and a detached dwelling)

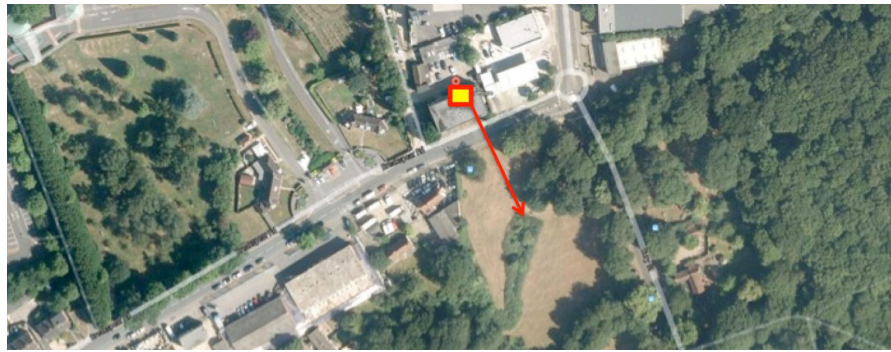


*'The proposed bungalow would have rear, front and side gardens. I note that the highway tree has been recently chopped back. I do not consider that the tree would significantly overshadow the side garden. The side and rear gardens combined would be larger than the respective rear gardens for the proposed semi-detached dwellings, and the latter meet minimum outdoor space requirements in respect of the Council's SPD. I do not share the Council's view that the outside space would be inadequate. I consider that there would be an adequate choice of useable outside space associated with the proposed bungalow. Furthermore, I do add some weight to the fact that there is a park (with a play area) within convenient walking distance of the site.'*

**APP/R5510/A/14/2220011** - Rotary House, Breakspear Road, Ruislip.

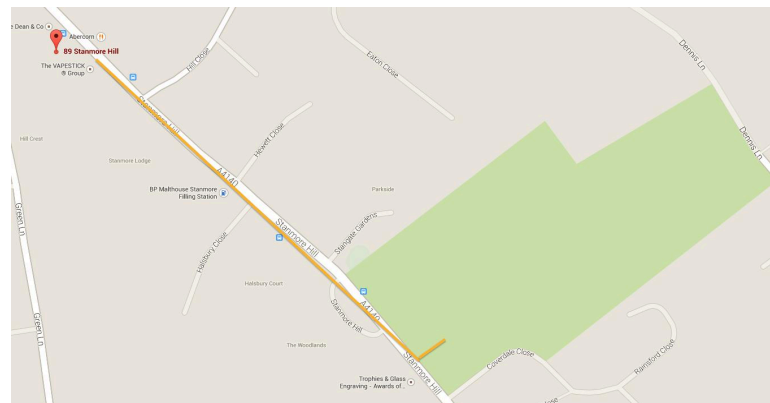
Proposal was for office conversion to form 3 x 2 bedroom flats and 1 x 1 bedroom flats with no onsite amenity provision but public open space nearby.

*'The proposed dwellings would have no private or shared outdoor space. This would not be consistent with UDP Policy BE23 or the garden area requirements set out in the Hillingdon Design and Accessibility Statement Supplementary Planning Document 2006 (HDAS). Nevertheless I saw that there is a generous area of accessible and landscaped open space directly opposite the site. So I consider that the failure to provide private or shared outdoor space provision in this instance would not be sufficient to dismiss the appeal.'*



**APP/M5450/A/14/2225661** - 89 Stanmore Hill, Stanmore, HA7 3DZ

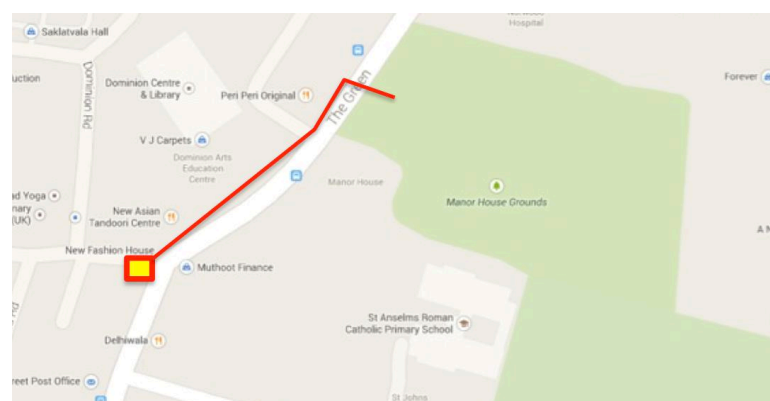
Appeal included 6 flats within a mix use development, 4 of which had no onsite amenity provision but access to nearby park.



*'Potential residents would have free choice whether the living arrangements would be acceptable to them, balancing any perceived disadvantage against the benefits of accommodation conveniently located close to local amenities including public open space.'*

**APP/A5270/A/11/2162705** - 2 & 4 King Street, Southall, Middlesex.

Proposal was for 9 flats with no onsite amenity space. In this case it was a Town Centre location with other benefits. The appeal site is next to 2 parks, 2 schools and within walking distance to a Regional Shopping Centre with equal benefits.

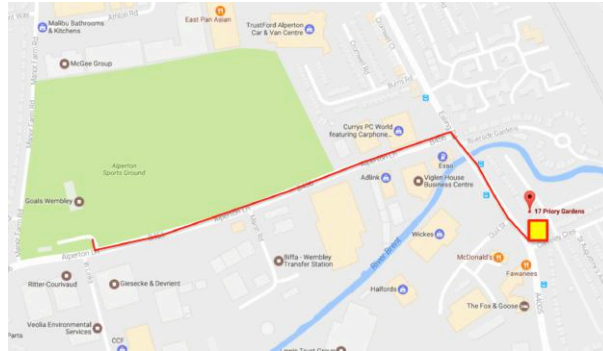


*'The majority of the scheme's nine flats are without outdoor amenity space. Whilst the policies and guidance of the adopted London Borough of Ealing Unitary Development Plan (UDP) and Supplementary Planning Guidance 13: Garden Space indicate that all residential development should provide private garden space, the supporting justification to UDP policy 5.6 notes that small, non-family accommodation will be encouraged in shopping centres where space for private gardens is likely to be at a premium but access to public*

*transport and local services is good. All but one of the flats have only one or two bedrooms and as such are unlikely to be occupied by families. I envisage that many single people and couples would be likely to value the appeal property's accessibility to transport and local services over outdoor amenity space and, indeed, may actively not want to have the maintenance responsibilities/costs of this space. For such people the development would provide satisfactory living conditions.*

**APP/A5270/A/13/2210373** - 17 Priory Gardens, Ealing.

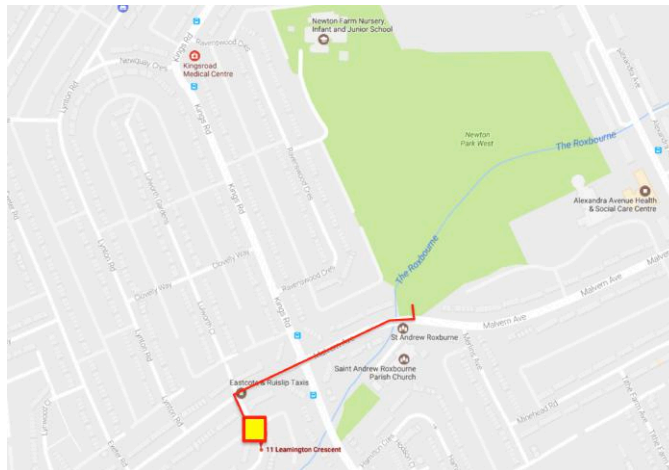
Proposal for conversion of house into flats with upper floor 2-bedroom flat having no onsite amenity space, however is located close to a public park.



*'In this instance it would not comply with the minimum garden space provision requirements set out under DMD Policy 7D in Table 7D.2. Nevertheless I consider it is not uncommon for 2 bedroom flats to have no private outdoor space. Moreover there are a good range of public recreational spaces within easy access of the site. Therefore, whilst it would not comply with DMD Policy 7D, I consider that the appeal should not fail on this reason alone.'*

**APP/M5450/A/10/2128380** - 11a Leamington Crescent, Harrow.

Proposal was for conversion of house to provide for 3 flats, one of which would have no garden but was close to local parks and two schools.



*'As far as the third of the Council's objections is concerned, direct access to the garden is achieved for two of the three flats, and a fence running the length of the garden separates it into private areas for each. Flat 11B, on the upper floors, would not have its own private amenity space; but this is clearly a far from uncommon situation, and I consider it unreasonable to conclude that the scheme involves such conflict with UDP policy D5 that the appeal should be dismissed for that reason. I also have noted the existence of a significant area of public open space a short distance away at Newton Park West.'*

Therefore whilst the proposed development provides a mix of balconies, terraces and shared amenity provision onsite, future residents of these dwellings will also benefit from excess to adjoining public open spaces to meet the general recreational needs of future the occupants.

The Council is requested to consider the above general Inspector observations in the determination of this application.