

Appeal Decision

Site visit made on 20 September 2016

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal Ref: APP/Z5060/W/16/3153363

1 - 1a High Road, Chadwell Heath RM6 6PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ashtons Development Company Ltd against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 15/01035/FUL, dated 1 August 2015, was refused by notice dated 13 January 2016.
 - The development proposed are extensions and alterations in connection with use of first floor offices as 3 x 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of future occupants of the proposed flats, with regard to the internal living space.

Reasons

Internal Living Standards

3. The appeal site lies on the corner of High Road and Chadwell Heath Lane in amongst a row of properties used for a variety of commercial uses with living accommodation above. Properties in the area are generally two storey in height and display a range of architectural styles and finishes. A single storey extension is in the rear yard of the appeal site. An estate agent occupies the ground floor. A staircase providing access to the first floor divides the ground floor office in the centre. Internally the first floor is divided into several rooms each leading off the central staircase.
 4. The scheme refused by the Council proposes three one bedroom flats at first floor. Plan ref PL00 rev A confirms the internal floor area of each flat. The appellant is of the view the internal spaces of the appeal scheme comply with Policy BP6 of the Borough Wide Development Policies Development Plan Document (DPD). Even so, since the pre-application enquiry, minor alterations came forward in relation to Policy 3.5 of the London Plan (LP) and the Technical housing standards – nationally described space standard (THS) was published in March 2015. The Council refer to both in the reason for refusal and seek to ensure suitable internal spaces are provided across the home rather than just the cooking, eating and dining area as set out in Policy BP6 of the DPD.
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5. Even though, the appellant may have taken all reasonable steps to ensure their scheme complied with Policy BP6 of the DPD at the time of their application, Policy 3.5 of the LP is clear that all new development should reflect these minimum internal standards. The property may have been built a number of years ago and may have internal structural walls. However, I do not consider a flexible approach is warranted because new homes should be provided that have adequately sized rooms which are functional and fit for purpose to ensure a high quality environment. Whilst efforts have been made to achieve the Lifetime Homes Standards, these standards focus more widely on the design and layout of spaces so that they are functional and accessible rather than the overall internal space available as required in Policy 3.5 and in the THS.
6. Notwithstanding minor variations between the parties figures, the internal floor area of each flat is considerably below the 50m² standard found in table 3.3 of the LP and the THS. Removing the central staircase would have a benefit for users of the ground floor, but each flat would still form an unacceptably small living environment, below the minimum standards which would not meet the needs of the occupants over the flats lifetime.
7. Insofar as the width and size of the bedroom in flat 1, a varied room width and size is caused by the splayed flank wall. The narrowest part of the room is 2.1 metres whilst the widest is 3.3 metres. The THS requires a room width of 2.75 metres and size of 11.5m². Despite the Council's much lower room size figure, in my opinion, this does not tally with the bedroom's width and length. As such, I have no reason to disagree with the appellant's room size figure and whilst I recognise the bedroom width would meet the standard in the central area, the areas either side would be less than the minimum width required. This would lead to a cramped bedroom environment that would be detrimental to future occupants living conditions.
8. Each flat would provide built-in storage. However this is below the minimum requirement of 1.5m² set out in table 3.3 of the LP and the THS. Occupants of the flats would therefore not have sufficient storage space.
9. For these reasons, I conclude that the proposal would harm the living conditions of the future occupants of the proposed flats and would not comply with Policy 3.5 of the LP and the THS. These policies seek to ensure internal living spaces are of a suitable size that is functional and fit for purpose.

Other Matter

10. I have had regard to the appellant's concerns regarding the length of time the Council took to determine the planning application, the new flats the scheme would deliver and that attempts have been made to arrive at a solution. However, none of these matters alter or outweigh my findings on the proposal before me, which I have considered on its merits. Despite reference to a prior notification change of use to one bedroom flats in 2014, I am unable to attach any weight to this as I have no details of the scheme before me.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR