
Appeal Decision

Site visit made on 13 September 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 11 October 2016

Appeal Ref: APP/W5780/W/16/3152027

39 Sunnyside Road, Ilford, Essex IG1 1HU

- 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 Mr Baldev Bhamra against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3824/15, dated 28 September 2015, was refused by notice dated 26 November 2015.
 - The development proposed is described on the application form as 'From single dwelling to 4 No's flats'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) the supply of family homes within the locality;
 - (ii) living conditions of neighbouring occupiers, with specific regard to noise and disturbance; and
 - (iii) living conditions of any occupiers, with particular reference to internal accommodation, daylight, outlook and outdoor amenity space.

Procedural Matter

3. I note that the appellant did not provide 'as existing' plans within the application. However, at the time of the site visit, the conversion of the four separate flats had been completed. On this basis I shall therefore determine the appeal as being one under S73A of the Act.
 4. Since the Council's decision the Housing Standards Minor Alterations to the London Plan - The Spatial Development Strategy for Greater London Consolidated with Alterations Since 2011 (the MALP) was formally adopted in March 2016 in response to the Nationally Described Space Standard 2015. The Council's views were sought on these, including whether or not they considered that the reasons for their planning objections were supported by newly adopted MALP policies. The Council confirmed that they had no comments to make with regards to the new policies. Planning appeals must be determined on the basis of the development plan that exists at the time of the Inspector's decision. I have therefore had full regard to the MALP Policy 3.5.
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Reasons

The supply of family homes

5. I am aware of the complex planning history of the appeal site, including the use of the appeal site for two flats and also the Lawful Development Certificate¹ to convert the dwelling to a single unit of accommodation which was issued in January 2015.
6. From my site visit it was evident that the majority of dwellings within the immediate locality were of a substantial size. Whilst it appeared that the majority were occupied as single units of accommodation, some had also undergone conversion to flats.
7. Policy H2 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document 2008 (the DPD) states that the conversion of a single unit of accommodation into smaller units will only be permitted if it is located within a Metropolitan or District Centre, or if the surrounding area comprises of predominately converted dwellings.
8. Within the Council's appeal statement it is confirmed that just under 20% of the dwellings surrounding the appeal site have been lawfully converted into flats. Furthermore, the appeal site is not located within a Metropolitan or District Centre. I accept that conversions exist within the locality and also note that the appeal site previously accommodated two flats. Nonetheless, at the time of the application the appeal site was a single unit of accommodation.
9. Apart from the appellant's view that the proposed conversion would provide for much needed flats in the area, I have not been provided with any empirical evidence as to why Policy H2 of the DPD should be overridden. As such, the loss of a family sized house would be detrimental to both the overall housing supply and more specifically, the provision of large family dwellings within the Borough. As such, it is at odds with the prevailing pattern of development in the locality. Accordingly, I find that the proposal conflicts with the housing aims of Policy HD2 and Policy SP3 of the London Borough of Redbridge Borough Local Development Framework Core Strategy Development Plan Document 2008 (the CS).

Living conditions of neighbouring occupiers

10. The Council has expressed concern regarding the increased level of activity and associated noise and disturbance from the proposal and the effect this may have on the living conditions of neighbouring residents.
11. As the appeal site is an end of terrace dwelling, the neighbouring occupiers may well experience more noise and disturbance than if the appeal site been a detached dwelling. However, the appeal site is of a substantial size. As such, even if the site had remained in use as a single unit of family accommodation, it would be possible that similar or even increased numbers of individuals could reside within the dwelling.
12. I accept that the introduction of additional residents into any dwelling may result in an increase of general noise, from factors such as the slamming of car doors or conversations. However, I find that the level of disturbance would not

¹ Council reference 3924/14

be significantly increased than had the dwelling remained as a single unit of accommodation. Furthermore, I have no substantive evidence before me to demonstrate otherwise.

13. I therefore find that the proposal would not cause significant harm to the living conditions of neighbouring residential occupiers, with particular regard to noise and disturbance. The proposal therefore accords with the amenity aims of Policy SP3 of the CS. The Council has also referred to Policy H2 of the DPD, however as this policy relates to the size and type of housing to be provided within the Borough, I do not consider it to be relevant in this instance.

Living conditions of occupiers

14. From the evidence before me I note that all four of the units fail to provide the requirements of the minimum Gross Internal Floor Area². Furthermore, no details have been provided with regards to the provision of private amenity space. From my site visit I acknowledge that a substantial garden exists to the rear of the appeal site. However the presence of such a space does not justify the deficiency of the exact details of the level of provision for each of the units.
15. I accept that four car parking spaces exist at the front of the appeal property and an adequate crossover exists. However, no details have been provided with regards to the allocation to the four units. Furthermore, no information with regards to cycle parking has been provided.
16. The Council is concerned that the proposal would not provide adequate storage for refuse. Whilst I accept that no details were provided on the submitted plans, it was evident at the time of my visit that a dedicated area within the rear garden for refuse storage had been provided. Whilst the route to the front of the property would be relatively narrow, I have no evidence to suggest that it would not be possible to move bins along the side of the house and around parked cars to the highway.
17. Turning my attention to the provision of daylight, ventilation and outlook. I consider that the proposed fenestration in all of our units is adequate. As such, I find that a sufficient level of daylight, ventilation and outlook is provided for all four units.
18. Notwithstanding my findings with regards to daylight, ventilation, outlook and refuse storage, the insufficient provision of internal space, lack of private outdoor amenity space and car and cycle parking spaces provide a substandard level of accommodation. This would be to the detriment of the living conditions of any occupiers of the units.
19. Accordingly, the proposal conflicts with Policies T1, T5, H2, BD1 and BD4 of the DPD, Policy SP3 of the CS, Policy 3.5 of The London Plan - The Spatial Development Strategy for Greater London Consolidated with Alterations Since 2011 (2016) and the Mayor of London Housing – Supplementary Planning Guidance 2012. When taken together these policies, amongst other things, seek to ensure buildings are of a high quality design which protect residential amenity.

² Standard 4.1.1.1 – Mayor of London Draft Interim Housing Supplementary Planning Guidance 2015

Other Matters

20. Within their evidence the appellant has referred to there being a hundred examples of similar conversions within the locality. However as no detailed information has been provided I cannot be certain that their particular circumstances are similar to the appeal scheme. In any event each proposal should be assessed on its own merits, as I have done in this instance.
21. The concern raised regarding the handling of the application by the Council has been acknowledged. However, this is a procedural issue which does not concern the planning merits of the case. Accordingly, I have not attached any weight to this matter.

Conclusion

22. Notwithstanding my conclusions on the effect on the living conditions of neighbouring occupiers and the provision of refuse storage, the development would fail to provide adequate internal living accommodation, private amenity space and car and cycle parking for any occupiers. Furthermore, the loss of a substantial single unit of accommodation and provision of four smaller units fails to reflect the current housing needs of the Borough.
23. Accordingly, for the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR