
Appeal Decision

Site visit made on 15 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/U5930/W/16/3157202
107 Frith Road, Leytonstone E11 4EX

- 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 Miss Ayshe Kadir against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162242, dated 27 June 2016, was refused by notice dated 12 August 2016.
 - The development proposed is the flat conversion of existing residential house to 1 x 3 bed and 3 x 1 bed units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the provision of family sized dwelling in the borough; (ii) the effect of the proposed development on the living conditions of the occupants of units 2 and 4, with regard to their internal living space; (iii) whether future occupants would be likely to experience acceptable living conditions in terms of amenity space provision; and (iv) whether the proposed development makes adequate refuse and recycling storage provision.

Reasons

Family sized dwellinghouse

3. The appeal site lies within the ward of Cathall. Like a number of other wards in the southern part of the borough, it is a 'Restricted Conversion Ward' (RCW) as set out in Figure 7.1 of the Development Management Policies Local Plan (DMPLP). Figure 7.1 identifies wards that suffer from an over concentration of family homes converted to smaller self-contained homes, Houses in Multiple Occupation and Buildings in Multiple Residential Occupation.
 4. Policy DM6 of the DMPLP sets out that the conversion of a larger home to smaller self-contained homes will not be permitted in such areas. As the justification for this policy and Policy CS2 of the Waltham Forest Local Plan Core Strategy (Core Strategy) set out, by converting larger family homes in a RCW, it affects the provision of these homes that are in need across the borough. Further depletion of family homes is likely only to exacerbate the affordability of family-sized housing further.
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5. The original property is in the process of being extended beyond the floor space threshold set out in Policy DM6 and the site is located close to a range of facilities and services, including public transport. The proposal would make use of a previously developed site, resulting in a net increase in the number and type of units on offer that would contribute towards boosting the supply of housing. However the proposal would result in the loss of a family home in a part of the borough where there is a need for this type of accommodation.
6. Even though the suspended draft Housing Supplementary Planning Document may include studio flats or one bedroom flats designed for single occupancy within the preferred housing mix, units 2, 3 and 4 would contain double beds which would support two occupants. Regardless of this, units 2, 3 and 4 would not provide suitable accommodation for families.
7. I therefore conclude on this issue that the proposal would result in the loss of a family sized dwelling in an area where they are needed. The proposal would be contrary to Policy DM6 of the DMPLP and Policy CS2 of the Core Strategy. These policies, amongst other things, seek to resist the loss of existing larger family homes to create an economically mixed and balanced community.

Internal space standards

8. Each unit would provide a different amount of Gross Internal Area (GIA). Despite the suggestion that units 2 and 4 are single person apartments, the floor plans show the bedroom of each flat containing a double bed. Hence, I consider these flats could accommodate two persons. Policy DM7 of the DMPLP seeks to ensure developments meet the minimum internal space standards set out in Table 8.1. The minimum requirement for units 2 and 4 is therefore 50m². This same threshold is contained in Table 3.3 of the London Plan and in Table 1 of the Technical Housing standards – nationally described space standard (THS).
9. Unit 2 has a GIA of 39m² whilst unit 4 has a GIA of 41m². Both units are below the minimum internal space standards found in policy DM7 of the DMPLP, the London Plan and the THS. These standards apply to all new development. This is to ensure new homes have adequately sized rooms which are functional and fit for purpose to ensure a high quality environment. Thus, units 2 and 4 would provide for a cramped living environment, with limited space for circulation and storage. I therefore consider that the proposal would result in an unacceptably small living environment, below the minimum standards which would not meet the needs of occupiers over the lifetime of each unit.
10. For these reasons, I conclude that the development would harm the living conditions of the occupants of units 2 and 4 in the proposed development. The proposal would not accord with Policies DM2 and DM7 of the DMPLP, Policy CS2 of the Core Strategy, Policy 3.5 and table 3.3 of the London Plan and the THS. These policies, amongst other matters, seek to ensure through design, development is of an appropriate size which is functional and fit for purpose so that it makes a positive contribution to the occupant's environment.

Amenity Space

11. Minimum external space standards are set out in table 8.3 of the DMPLP. A standard of 10m² per bedroom is required which can be provided in the form of both private and communal amenity space.

12. Whilst I note the private amenity spaces for units 2, 3 and 4 are close knit and occupants' would need to walk around the property to access them, the size of each space meets the standard. I recognise it does lead to an unusual layout, however with the use of suitably worded planning conditions, appropriate boundary treatments and landscaping, I consider they would be well-designed, appropriately located and useable spaces.
13. The ground floor unit which has three bedrooms requires a minimum of 30m². At the rear 23.3m² of private amenity space would be provided, which is accessed directly from the kitchen door. This space is clearly defined and given its position as well as the presence of a seated area in amongst pots which could contain plants, I consider this area is suitably well-designed and usable.
14. The proposed communal amenity space is in front of the property. Parts of this area would also be used to store refuse and recycling bins and provide secure bicycle storage. These would, mean the sum of the communal amenity space is likely to be less than the figure stated. Nevertheless, it is only unit 1 that would need to rely upon the communal amenity space in order to meet the standard. This is directly accessible from the main entrance to the building and it would be surfaced. The area could also, as shown, enable potted planting which would assist in making the area more attractive as a communal area. While it is at the front and very much on view, it would supplement the larger area of private amenity space at the rear which occupants of unit 1 would use. Thus, I consider a suitable mix and quantity of private and communal amenity space would be available to the occupants of unit 1 to meet the 30m² standard.
15. For these reasons, on this issue, I conclude that the proposed amenity spaces would comply with Policy DM7 and table 8.3 of the DMPLP and Policy CS2 of the Core Strategy. These policies, amongst other things, seek to ensure through design that an appropriate standard of external amenity space is provided that is functional and fit for purpose so that it makes a positive contribution to the occupants living environment.
16. Although the Council, refers to Policy DM2 of the DMPLP, this policy is concerned with preventing the net loss of residential accommodation rather than providing satisfactory amenity space provision. Thus, I have therefore given no weight to this policy in my consideration of this issue.

Refuse and recycling

17. Refuse and recycling storage provision would be located in the space in front of the property. A total of four bins would be provided for the four units to share. The location of the provision is consistent with the location of refuse and recycling wheelie bins in the street. The proposed location is conveniently located for occupants and for refuse collection vehicles and operatives.
18. A mixture of black, green and brown bins are necessary for each flat to use, so that occupants can assist with preventing and reducing the amount of waste produced. The proposal does not identify the colour or the size of each bin, but it is common place that flatted developments share refuse and recycling provision. The 140 litre bins that would be provided could be kept within the area of hardstanding to the front of the property. I do, nevertheless consider the total number of bins sought by the Council is likely to be excessive, especially the green bin taking green waste, in light of the size of each amenity area proposed and the likely amount of green waste that would be created.

19. However, equally I do not consider that the proposed four bins of an unknown mix to be sufficient to serve the entire development. The likely number and combination of bins is somehow in-between the two parties figures. In any event, the area in front is of a sufficient size to accommodate refuse and recycling bins and I consider a planning condition, as the Council suggest could ensure satisfactory provision is provided.
20. On this basis, I conclude that the proposed development, on this issue would comply with Policy CS6 of the Core Strategy and Policy DM32 of the DMPLP. These policies, in respect of this issue, seek together to ensure development provides sufficient refuse and recycling storage provision to reduce waste and increase recycling.
21. Although the appellant refers to Policy CS16 of the Core Strategy and Policies DM13, DM14 and DM23 of the DMPLP, these policies are not relevant to the provision of refuse and recycling.

Other Matters

22. I note that the parties have referred to 43 Langthorne Road which is near to the appeal site. Whilst the parties dispute the relevance of this site, I am not, however, aware of the circumstances in which these permissions or certificates were granted and the property appeared to be empty due to on-going construction works. As such, I do not consider that this site sets a precedent for the appeal proposal.
23. I note the appellant's intention to use highly thermal efficient materials, photovoltaic panels and harvest rainwater which may go some way towards meeting Code for Sustainable Homes Level 4 and lessening future occupants' bills. However I do not consider the appellant's eco-friendly approach outweighs my findings on the first or second main issues.
24. Although the appellant is disappointed that the Council did not engage with the case presented to them, I have determined this appeal in accordance with the development plan unless material considerations indicate otherwise.

Conclusion

25. I have found no harm from the appeal scheme in relation to amenity space or refuse and recycling provision. This is not outweighed, however, by the harm that I have found in relation to the scheme's impact upon the provision of family sized dwellings and living conditions.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR