
Appeal Decision

Site visit made on 31 January 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/G5750/W/16/3162341

40 Colman Road, Beckton, Newham, London E16 3LX

- 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 Neel Shastri against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/01256/FUL, dated 22 April 2016, was refused by notice dated 21 June 2016.
 - The development is conversion of single dwelling property to 2no. separate dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form states that at the time the application was made the development had already started and at my site visit I saw that the property had been converted to two separate dwellings. However at my site visit I noted that the proposed changes to the first floor layout of the two storey dwelling had not been carried out and that the brick outbuilding in the rear garden had not yet been demolished. Therefore in reaching my decision I have assessed the development as shown on the submitted plans.
3. The Council's reasons for refusal refer to policies H17 and EQ45 of the London Borough of Newham Unitary Development Plan (UDP). However the Council has confirmed that these policies have now been superseded by Newham's Local Plan Detailed Sites and Policies Development Plan Document (DSPDPD). In reaching my decision I have not therefore had regard to these UDP policies.

Main Issues

4. The main issues are:
 - whether future occupiers of the two storey dwelling would have adequate living conditions having regard to the size of the internal accommodation;
 - the effect of the development on the living conditions of the occupiers of neighbouring properties having regard to noise and disturbance.
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Reasons

Living conditions (future)

5. The appeal site comprises a part three storey, part two storey building that has been converted into two separate dwellings, one three storey and one two storey. The two storey dwelling comprises an open plan lounge and kitchen/dining room and a separate conservatory at ground floor with two bedrooms and a toilet and shower room at first floor. The appellant states that the gross internal area of the dwelling is 62.5m², with the Council stating it to be 60.7m². As existing both main parties agree that the size of the bedrooms is 9.15m² and 10.1m². As shown on the submitted plans they would be 11.8m² and 8.5m².
6. Both main parties agree that the size of the two storey dwelling fails to meet the minimum space standards as set out in the nationally described space standards. These standards require a Gross Internal Area (GIA) of 70m² for a two bedroom, two storey dwelling. At the time of my visit both bedrooms contained double beds and the submitted plans show that at 11.8m² the larger of the two bedrooms would meet the minimum standard for double bedrooms of 11.5m². However the layout of both bedrooms would be slightly awkward with a projecting bay and recess adjacent to the door in the larger bedroom and a projection adjacent to the door in the smaller bedroom.
7. Irrespective of which GIA figure is used for the two storey dwelling, it falls some way short of the minimum space standard. The modest size of the dwelling together with the particular layout and level of space that would be provided means that despite each room having a window, I do not consider that the two storey dwelling would provide adequate living conditions for future occupiers having regard to the size of the internal accommodation.
8. The two storey dwelling is therefore contrary to policies 3.5, 7.1 and 7.2 of the London Plan (LP), policies SP1, SP2, SP3 and H1 of Newham's Local Plan - The Core Strategy (CS), relevant paragraphs of the National Planning Policy Framework (the Framework), the Mayor of London's Housing SPG and to the nationally described space standards. These policies and guidance seek, amongst other things, high quality development including housing, improvements in housing quality and compliance with minimum space standards for residential development. Though the Council also referred to policies 3.8 and 6.9 of the LP in the reason for refusal relating to the level of accommodation being provided, these do not appear to be relevant to this issue and I have not therefore had regard to them.

Living conditions (existing)

9. The appeal site is located in a residential area and comprises two adjoining dwellings located at the end of a terraced row, at the junction of Colman Road and Nottingham Avenue. The dwellings on the opposite side of Colman Road are located some distance away from the appeal site. The side elevation and proposed rear garden of the two storey dwelling is adjacent to Nottingham Avenue. The side elevation is largely blank containing only one small first floor landing window and the rear garden is enclosed by a brick

wall which the appellant has confirmed could be retained. The dwelling at 1 Nottingham Avenue is located to the rear of the appeal site and is set back from Nottingham Avenue behind a paved driveway with only the front part of the side elevation of No 1 being adjacent to the rear boundary of the appeal site.

10. I accept that the subdivision of the host building to form an additional dwelling is likely to have resulted in some increase in the amount of comings and goings and noise and disturbance associated with the appeal site. However having regard to the location and layout of the appeal site and its position relative to surrounding dwellings, I do not consider that any intensification of use and increase in comings and goings and associated noise and disturbance is likely to be materially harmful to the living conditions of neighbouring properties.
11. Taking the above matters into consideration, I conclude that the development is unlikely to adversely affect the living conditions of the occupiers of neighbouring properties having regard to noise and disturbance. It therefore accords with Policy 7.15 of the LP, policies SP2 and SP3 of the CS, Policy SP8 of the DSPDPD and with relevant paragraphs of the Framework insofar as they relate to the impact of development on the living conditions of the occupiers of neighbouring properties. These policies seek, amongst other things, to minimise noise impacts of development and to create healthy neighbourhoods and places.

Other Matters

12. In reaching my decision I have had regard to the fact that the development provides an additional two bedroom dwelling on a previously developed site in an accessible location and that it helps to provide greater housing choice. I also note that both dwellings would have access to external amenity space. However these matters do not outweigh the harm that I have identified to living conditions.

Conclusion

13. The development is unlikely to adversely affect the living conditions of the occupiers of neighbouring properties having regard to noise and disturbance. However the two storey dwelling would not provide adequate living conditions for future occupiers having regard to the size of the internal accommodation.
14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR