

Appeal Decision

Site visit made on 28 February 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 03 March 2017

Appeal Ref: APP/U5930/W/16/3165020
105 Sewardstone Road, Chingford E4 7PA

- 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 Mrs Gwendoline Frisby against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 162395, dated 19 July 2016, was refused by notice dated 13 September 2016.
 - The development proposed is conversion of single dwelling into 2 no flats, each with their own front door and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The evidence before me indicates that the appellant would like to describe the development as 1 x 1 bedroom flat and 1 x 2 bedroom flat and having reviewed the plans it appears that an amended layout has been submitted during the appeal process which labels bedroom 2 of the first floor flat as a study¹. However, the text of the statement of case refers to 2 x 2 bedroom flats. Furthermore, the description of development given on the appeal form also refers to 2 x 2 bedroom flats. As such, I am unable to conclude that the first floor flat would have only one bedroom.
3. The evidence before me indicates that the original applicant has given permission for the appeal to proceed under the name of the appellant noted in the heading above.

Main Issues

4. The main issues are the effect of the development on:
 - the supply of family dwellings in the borough; and
 - the living conditions of future occupiers with particular regard to internal and external living space.

¹ Dwg. SR/B/12 Rev A

Reasons

Family dwellings

5. The appeal site (No 105) is a modest three bedroomed end terrace dwelling with a garage projection to the side and a good-sized rear garden. The development comprises a two-storey side extension replacing the garage, and a single storey rear projection, to create two self-contained flats each with two bedrooms.
6. Policy CS2 of the Core Strategy² (CS) states that the Council will resist the loss of any existing larger homes, and larger homes are defined in the policy as having three or more bedrooms. Policy DM6 of the Local Plan³ (LP) states that the Council will not permit the conversion of a larger home to smaller self-contained homes where the original dwelling has a gross internal floor space of less than 124 sqm. As the current floorspace of No 105 appears to be considerably less than 124 sqm, I conclude that No 105 does represent a larger home in the context of these policies and consequently its conversion into two flats would result in the loss of a larger home within the borough.
7. The appellant argues that the Council has a policy preventing the loss of small family dwellings and that as the ground floor flat would be a small family dwelling, the Council should look favourably upon the application. However, my reasoning below considers the living accommodation that would be provided by the ground floor flat. In any case, it remains a matter of fact that if the appeal was to be allowed, a three bedroomed family home would be converted into smaller dwellings.
8. In the light of the above, I conclude that the development would represent the loss of a three bedroomed family dwelling to local housing stock, and this would be contrary to CS Policy CS2 and LP Policy DM6.

Living conditions

9. Having reviewed the evidence I conclude that the total floor space for the ground floor flat would meet the national space standards⁴ for a two bedroomed flat. However, I agree with the Council that bedroom 1 appears to be too small to qualify as a double bedroom, although I disagree with the Council that there would be insufficient storage space within the flat. As such, as bedroom 1 could be considered as a single bedroom, I am not satisfied that the ground floor flat would represent cramped accommodation. However, this observation reduces the weight I give to the appellant's argument that the ground floor flat would constitute a small family dwelling.
10. The first floor flat would only have sufficient internal floor space if it is presumed to be a one bedroom flat, and I acknowledge that the appellant has provided an amended plan in that regard. Nonetheless, given that the statement of case refers to the provision of a two bedroom flat on each floor of the development, I have proceeded on that basis. I cannot be sure that the room labelled as a study would not be used as a bedroom. As such, this flat

² Waltham Forest, Core Strategy, adopted March 2012

³ Waltham Forest, Development Management Policies Local Plan, adopted October 2013

⁴ 61 sqm for a 2 bed dwelling for 3 persons, Technical Housing Standards, Department for Communities and Local Government, March 2015

would fail to comply with the national space standards and would represent cramped accommodation.

11. The ground floor flat would benefit from the use of the existing rear amenity space and there is no evidence before me to indicate that this space would be insufficient in the light of policy guidelines. However, the sole external amenity space for the first floor flat would be an enclosed balcony of some 2.5 sqm. LP Policy DM7 states that flatted developments are expected to have a minimum of 10 sqm per bedroom, which can include balconies. In this instance, the external amenity space would be considerably less than the minimum required.
12. In the light of the above, I conclude that the first floor flat would provide insufficient internal living and external amenity space and this would be to the detriment of the living conditions of future occupiers. It would also be contrary to LP Policy DM7, in respect of the external amenity space, and to a lesser extent, contrary to Policies LP Policy DM6 and CS13 which taken together require dwellings to have an element of amenity space. Having reviewed LP Policy DM23 I am not satisfied that the policy text is relevant to this appeal as although it is titled health and wellbeing, there is no reference to internal or external amenity space. CS Policy CS15 is primarily concerned with more strategic design issues and is of little relevance in this regard.

Other issues

13. The appellant has noted that advice was sought from the Council prior to submission of the application. Whilst I am unable to comment on the advice that was given, there is nothing in CS Policy CS2 that indicates that restrictions on conversions apply only in particular areas. LP Policy DM4 states that it is only homes with a gross internal floor space of above 124 sqm that are allowed to be converted outside the restricted areas.
14. I have also been supplied with copies of correspondence between the appellant and the Council, and whilst I appreciate the appellant's frustration with regards to communication with the Council, concerns related to the Council's procedures are outside the scope of this appeal.
15. I acknowledge that the intention is to provide accommodation to enable a family member to live in proximity to an elderly relative. However, I am not satisfied that the conversion of the property to two self-contained flats is necessarily the sole solution to this aim. Nor would the limited benefit in this regard outweigh the wider harm from the loss of a three-bedroomed family dwelling in the context of the borough's housing stock.
16. The appellant notes that there have not been any third party objections to the development but this is not an indication of an absence of harm. As such I give this argument little weight.
17. The evidence before me indicates that there is an extant permission for a two storey side extension and single storey rear extension. However, this is not determinative to this appeal as there is no indication that the extant permission would result in the conversion of No 105 into two flats. Consequently, whilst this would represent a viable fall-back scheme, it would not lead to the loss of a three bedroom family dwelling.
18. The appellant also argues that the ensuite bathroom in bedroom 2 of the ground floor flat could be omitted to increase the overall size of the bedroom.

However, I am bound to determine the appeal before me and in any case, it would not alter my reasoning in respect of the principle of conversion of No 105 to flats.

19. It is also argued by the appellant that some flats in central urban locations have no amenity space. This may be the case but this is not a central urban location and the Council's Local Plan sets out levels of provision for new development to be applied within the borough. As such I give this argument little weight.

Conclusion

20. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR