

Appeal Decision

Site visit made on 28 March 2017

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 19 April 2017

Appeal Ref: APP/U5360/W/16/3166092
69 Nevill Road, Hackney, London N16 8SW

- 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 John Rossi against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/2556, dated 7 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is a two storey maisonette converted into 2 x 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note from the planning application and my observations on site that the application is retrospective. The lower ground floor and ground floor maisonette has been converted into two self-contained residential flats and I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - i. Whether the development undermines established planning policy of maintaining the quality and variety of residential units.
 - ii. Whether the flats provide satisfactory accommodation, with regard to internal space and layout.

Reasons

Maintaining the quality and variety of residential units

4. The development has led to the loss of a three bedroom two storey residential unit and the creation of two single storey flats. Policy DM23 of the Local Plan Development Management Policies July 2015 (DM Policies) states that residential conversions should provide a minimum of one family unit of 3 or more bedrooms.
 5. Furthermore, Policies DM20 and DM22 seek to ensure that the loss of residential floor space is only permitted in certain circumstances, including where replacement housing of an appropriate type is being provided, and
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where developments achieve homes of different sizes. One of the key objectives of the Core Strategy November 2010 (the CS) is to provide people with a wide choice of housing and a suitable mix of housing in terms of type and size, among other things. According to the supporting text to the DM Policies there is a most pressing shortage of two bedroom (three person) homes and for three bedroom (five person) family homes.

6. Although the appellant contends that the property was not suitable as a family unit due to its limited size, location and the lack of dedicated off-street car parking, the loss of a three bedroom family home is contrary to one of the overall objectives of the development plan which is to ensure that there are homes of different sizes in the Borough. Specifically, the development would lead to the loss of a family unit of three bedrooms and does not replace it with any two bedroom homes.
7. On this issue I therefore conclude that the development undermines established planning policy of maintaining the quality and variety of residential units is contrary to the provisions of Policies DM20, DM22 and DM23 of the DM Policies. These seek to ensure replacement housing is of an appropriate type, ensure that there are homes of different sizes and expect conversions to provide a minimum of one family unit of three or more bedrooms.

Standard of accommodation

8. The Council is critical of the quality of the accommodation with respect to the inadequate floor area and unsatisfactory layout. In assessing this it refers to the space standards set out in the London Plan. Policy DM23 of the DM Policies also seeks to impose standards with respect to residential conversions. This policy and a range of other development plan policies collectively seek to control the quality of housing. In March 2015 the Government published new Technical housing standards – nationally described space standard. These standards are set out in Table 3.3 of Policy 3.5 of the London Plan March 2016 and clearly apply to the appeal development.
9. The ground floor one bedroom unit has a gross internal floor area of only approximately 46.5 square metres which is below the minimum standard for a one bedroom two person unit of 50 square metres. Furthermore, there are concerns regarding the layout of the ground floor flat which is contrived and requires residents to go through the shower room in order to access the rear private amenity space. Clearly this arrangement is unsatisfactory.
10. The appellant argues that the Council has been inconsistent in its determination of the application in relation to the study in the basement flat. Although it was the third bedroom in the original two storey maisonette it is shown as a study on the application plans. However, although the description of the development relates to two one bedroom flats I observed on site that it is being used as a single bedroom. As a two bedroom three person flat the basement flat would fall significantly short of the minimum gross internal area of 61 square metres for a two bedroom three person flat as set out in the London Plan. Therefore, it would fail to provide a suitable property for which there is a recognised housing need in the Borough.
11. The development plan policies are clear and consistent in the aim of securing a good standard of accommodation in homes brought about through conversion schemes. In this case I am not persuaded that there are circumstances that

lead me to conclude that those standards should be relaxed to the extent that would be necessary to allow the appeal.

12. For these reasons I conclude that the ground floor flat would not provide satisfactory accommodation with regard to internal space and layout. As such it is contrary to the provisions of Policies 3.5 and 7.6 of the London Plan, Policy 24 of the Core Strategy November 2010 and Policies DM2, DM20, DM22 and DM23 of the DM Policies. These require all development to provide a good and optimum arrangement of the site, provide high quality indoor spaces, ensure that development does not lead to sub-standard layouts and require all new homes to be of the highest quality and achieve minimum standards, among other things.

Conclusion

13. In terms of sustainable development the development brings economic benefits to the appellant and also to the Council in the form of Council tax income and there may be some benefit to local businesses. There may also be some limited social benefits by creating a net increase of one residential unit and assisting the Council to meet its housing targets in a location which has good access to facilities and services. I also recognise the importance the Government gives to sustainable development in the National Planning Policy Framework and the role of sustainable development in meeting the objectives of the London Plan. However, I do not consider that these limited benefits outweigh the harm I have outlined above with particular reference to the established planning policy of maintaining the quality and variety of residential units and the unsatisfactory accommodation with regard to internal space and layout.
14. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR