
Appeal Decision

Site visit made on 27 March 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 27 April 2017

Appeal Ref: APP/E5900/W/16/3166260

Flat 15 Bullen House, Collingwood Street, London E1 5DY

- 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 F Hussain against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/02824, dated 23 September 2016, was refused by notice dated 10 November 2016.
 - The development proposed is the conversion of the property back into two self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the proposed development would have on housing choice and on the living conditions of future occupiers, with particular reference to internal space.

Reasons

Housing choice

3. The appeal property is situated in a block of flats. It comprises a five bedroom flat. The proposal would convert it into two flats, each with two bedrooms. The existing flat retains two front doors and the appellant advises that the property was originally two flats.
4. The flat is currently of a size and configuration which could provide accommodation for a large family. The proposed flats would both be compact in size and neither would be of a size particularly suitable for family accommodation, especially for families with a number of children or dependents. The proposal would therefore result in the loss of a flat suitable for a large family.
5. The London Plan, 2016 identifies that there is a significant need for family homes¹ and that failure to provide enough larger homes has seen the number of overcrowded households grow². The Council advise in their statement that the Borough has a relatively high proportion of large families and the Managing

¹ Paragraph 3.44.

² Paragraph 3.47.

Development Document - Development Plan Document, 2013 (MDD) states that there is a shortage of family homes³.

6. Accordingly, the proposal would harm housing choice through the loss of a large family dwelling. The proposal would be contrary to London Plan Policy 3.8's aim to provide a genuine choice of homes of different sizes and types, with the provision of family housing a priority. It would also conflict with Core Strategy⁴ Policy S08 which seeks to ensure housing choice reflecting the Council's priorities for affordable and family housing and MDD Policy DM3 which resists the net loss of any family housing (except in certain estate regeneration development circumstances which do not apply in this case). These policies do not solely apply to new build schemes and their approach is consistent with the National Planning Policy Framework (the Framework) which aims to deliver a wide choice of quality homes.
7. The creation of two smaller units would have benefits of providing a net additional unit and both could help meet the requirements of smaller households which is also a London Plan aim⁵. I have no reason to doubt the appellant's view that the flat was originally two units nor that there may be other flats of a smaller size in Bullen House. Nevertheless, even though the flat may have previously been two separate units, its current size is one for which there is a need identified in the development plan. The benefits of providing two separate dwellings would not be outweighed by the loss of a large unit whose retention in such a configuration would help provide housing of a type which the Council have identified a shortage of.

Living conditions

8. The proposed flats would both be modest in overall size and compact in their internal arrangement. In particular the bathrooms and kitchens in both flats would be small and inward opening doors would constrain this limited space further. Notwithstanding that the existing flat has similarly small bathrooms, the proposed living accommodation would be constrained and feel cramped.
9. The appellant approximates the floor area of the flats would be 52m² and 54m². Both of these dimensions would be considerably below the 61m² minimum internal areas MDD Policy DM4 and London Plan Policy 3.5 requires for a two bedroom flat occupied by three persons. The standards in the latter accord with the national standard⁶. The Council advise that the proposal's room sizes would not meet the national standard's requirement that a dwelling with two or more bed spaces has at least one double (or twin) bedroom with a floor area of at least 11.5m².
10. Whilst the flat, in all likelihood, was previously two separate flats there is no substantive evidence that they were of a size or configured in manner similar to that proposed. Therefore, whilst the age of the building may mean that flats in Bullen House might have been smaller than current minimum standards, I cannot be certain that the proposal would be re-introducing a former, albeit substandard, layout. This limits the weight I can give to any pre-existing circumstances.

³ Paragraph 3.9.

⁴ Core Strategy - Development Plan Document, 2010.

⁵ Paragraph 3.44.

⁶ Technical housing standards – nationally described space standard, DCLG, 2015.

11. The internal space of the flats would be constrained to a degree that would harm the living conditions of future occupiers. As a result the proposal would not comply with MDD Policy DM4 or London Plan Policy 3.5. It would not accord with the Framework's core planning principle of always seeking to secure a good standard of amenity for all future occupants of buildings.

Conclusion

12. For the above reasons, the proposal would harm housing choice and future occupiers' living conditions, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR