
Appeal Decision

Site visit made on 6 June 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 15 June 2017

Appeal Ref: APP/G5750/W/16/3164712

354A High Street North, East Ham, London E12 6PH

- 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 Ms Gentiana Hakia against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/02974/FUL, dated 16 September 2016, was refused by notice dated 15 November 2016.
 - The development proposed is conversion of 1 x 3 bed flat into 2 x 1 bed flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It was apparent from my site visit that the proposal had been substantially implemented.

Main Issues

3. The main issues are the effect of the development on i) the provision of family sized housing in the Borough and ii) the living conditions of future occupiers with particular regard to internal and external space.

Reasons

Family Housing

4. The Council has identified a shortage of family accommodation in the Borough. It seeks to rebalance the available housing stock, with a view to building a less transient population and more stable community. This objective is reflected in various policies set out within the Newham Core Strategy 2012 (CS). When taken together Policies S1, S6, H1, H4, SP1 and SP3 of the aforementioned document seek to provide mixed communities and a balance of house sizes, prioritising new family housing over small residential units. Furthermore the strategy specifically seeks to resist the loss of family housing to flats unless there are exceptional circumstances.
 5. The existing accommodation comprises a single three bedroom flat at first and second floor levels. This would meet the definition of a family sized dwelling which, according to the explanatory text in Policy H1 of the CS, will be generally regarded as having three bedrooms. In the appellant's view, the proposed conversion would create two medium sized family units. However,
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irrespective of room size, I am firmly of the view that single bedroom accommodation would not generally be regarded as attractive or suitable for family occupation. I therefore conclude that the proposal to convert the upper floors of the property to two single bedroom flats would result in the loss of family sized accommodation in the Borough. Whilst it would make a small contribution to the overall supply of housing, this very limited benefit would be outweighed by the harmful loss of family accommodation in the absence of any suggestion that there are exceptional circumstances which support the development in this case.

6. Accordingly I concur with the findings of the Inspector who determined a recent appeal relating to a similar proposal for the property¹, in that the proposal in this case would conflict with Policies H1, H4, S1, S6, SP1 and SP3 of the CS and Policy 3.8 of the London Plan 2016 (LP). These policies taken together seek to prioritise family housing based on need within the area. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks for local planning authorities to plan for a mix of housing based on the needs of different groups in the community.

Living Conditions

7. There is no dispute between the main parties that both of the proposed flats would exceed the minimum internal floorspace required in accordance with the national technical standards² by a significant margin. Despite the absence of built-in storage space, I am satisfied that storage could be adequately accommodated within the overall space available. However in terms of private external space, the appellant has confirmed that it is not practically possible to make such provision, referring to the availability of the nearby Plashet Park to cater for such needs.
8. Guidance set out within the Housing Supplementary Planning Guidance of the London Plan 2016 (SPG) seeks a minimum provision of 5 square metres of private outdoor amenity space per unit for the size of accommodation proposed. However the guidance goes on to say that in exceptional circumstances, where site constraints make it impossible to provide private amenity space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.
9. I have taken into account that the amount of deficient external space could be comfortably accommodated within the surplus provision of internal space available to both flats. In addition there is no evidence before me to indicate that the existing flat, in any event, benefits from authorised access to an external roof terrace area. The proposal would not change the existing situation in this regard. Furthermore, the nearby Plashet Park, would be generally accessible to provide some opportunities for outdoor recreation and relaxation.
10. The absence of access to private external space would not be ideal and, as this would apply to both of the proposed flats, would not be in strict accordance with the SPG guidance. However drawing the above considerations together,

¹ Ref APP/G5750/W/16/3153684

² Technical housing standards – nationally described space standard DCLG 2015

the circumstances of the proposal would not justify refusal of planning permission on this specific ground.

11. In terms of cycle storage, whilst the appellant states that an indoor cycle stand could be installed, it was not apparent from my visit where such provision might conveniently be made. However I am mindful that the previous Inspector accepted that cycle storage provision could be made within the ground floor commercial unit which could be secured through a planning condition. There is no information before me that leads me to take a contrary view.
12. The Council has raised concerns that the appellant has failed to demonstrate sufficient provision for waste disposal. I note, however, that indoor bin storage areas are indicated on the proposed drawings and also that the Council concede that further details of waste and recycling storage could be secured through a planning condition. Again, there is no information before me that would lead me to take a contrary view in this regard.
13. My overall finding on this issue is therefore that that the proposed development would not result in unacceptable living conditions for future occupiers with particular regard to internal and external space. There would not therefore be conflict with Policies 3.5, 5.3, 6.9, 7.1 and 7.4 of the LP; Policies H1, S1, S6, SP1, SP2, SP3, INF2 and INF3 of the CS; Policies SP8 and SC5 of the Newham Local Plan: Detailed Sites and Policies Development Plan Document 2016 and the Framework insofar as they seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings including adequate provision for cycle parking and waste and recycling storage. These considerations do not however outweigh the concerns I have raised above with regard to the loss of family accommodation.

Conclusion

14. I have not found the living conditions of future occupiers to be unacceptable. However, this is outweighed by negative findings in respect of the loss of family accommodation.
15. For the aforementioned reasons, and having had regard to all other matters raised, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR