
Appeal Decision

Site visit made on 6 June 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 1st August 2017

Appeal Ref: APP/G5750/W/17/3171283

8 Wintergreen Close, Beckton, LONDON E6 5UQ

- 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 Mariglen Agaqi against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/03048/FUL, dated 26 September 2016, was refused by notice dated 2 February 2017.
 - The development proposed is to convert single dwelling house into two separate units. 1 x 4 bed ground floor unit and 1 x 2 bed first floor unit. Internal and external alterations including single storey rear extension, garage conversion into an habitable room and front infill.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised plan drawing number 16092 L 004 A¹ submitted with the appeal postdates the Council's decision. Though it was not considered or consulted on during the planning application, it incorporates only minor internal changes. No party would be put at a disadvantage by its inclusion in this appeal and I have dealt with the appeal on the basis of the inclusion of the revised plan.

Main Issues

3. The main issues are: the quality of the accommodation with regard to the effect of the proposal on the living conditions of future occupants; the effect of the development on the supply of family houses in the area; and, the adequacy of cycle provision.

Reasons

The quality of accommodation

4. The plans on which the application was determined showed one double bedroom and three single bedrooms in the ground floor flat, making it a four bedroom unit for five persons. However, given the size of one of the single bedrooms the Council contended it could be a double, thereby meaning the unit would be for six people and so would fall below the requirements of the housing standards. However, bedroom two has now been reduced by the

¹ dated 9 March 2017

provision of additional storage and the appellant has never contended the unit would be for six people. I will therefore consider it as a four bedroomed flat for five people where the minimum requirement would be 90m². On this basis the 91m² would meet this minimum standard

5. The Council and the appellant disagree on the precise dimensions proposed for rooms in each of the units with small variations between them in respect of bedroom sizes. This disagreement is acknowledged however this is not the only factor to be considered as to whether the proposed subdivision would be appropriate.
6. Bedroom four in the ground floor unit is one of two small bedrooms measuring eight square metres. However it would have a window which would open onto an enclosed passageway with limited natural light and which is a pedestrian passage way between Wintergreen Close and Tollgate Road. Because of the restricted light, outlook and privacy this arrangement would not provide a satisfactory living environment for the occupant of this room and would be poor quality accommodation in this respect.
7. The first floor unit would have a most unusual arrangement with a room within the first floor designated as an amenity area. This is only six square metres in size and proposes a window fitted with obscure glazing and a top hung opening for ventilation (seemingly necessary to prevent overlooking to the adjacent property). This would create a contrived and constrained amenity provision which would have no outlook and would have limited ventilation. The quality of this as an amenity space would be poor and there would be no effective mechanism to ensure that this space would remain as amenity provision in the longer term.
8. Of equally limited value would be the external private amenity space proposed for the first floor flat which amounts to a strip of land split away from the end of the existing garden. This would be narrow and divorced from the flat it would not create a satisfactory useable or private space for the occupants nor would it be easily or conveniently accessible. It would also, in my view, compromise the garden space available for the ground floor flat and result in a poor arrangement between the two spaces. Consequently the first floor flat would have inadequate amenity provision.
9. These factors would result in an unacceptable standard of living for the occupants of the proposed flats creating unduly poor living conditions. This would be in conflict with: Policy 3.5 of the London Plan; Policies S1, S6, SP1, SP2, SP3 and H1 of The London Borough of Newham Local Plan: Core Strategy 2012 (the CS); Policy SP8 of The London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document 2016 (DSPDP) and The London Plan Housing Supplementary Planning Guidance (2016). (SPG). Amongst other things these policies and guidance seek to provide high quality living accommodation with appropriate amenity space for all new dwellings.

The supply of family housing

10. It is a policy ambition of the Council to maintain its stock of larger houses and to this end Policy H4 of the CS states "*the Council will specifically seek to protect family housing and will resist the loss of all family dwelling houses through subdivision or conversion to flats or HMOs unless exceptional circumstances prevail*" and Policy S1 of the CS supports improved access to

homes. The rationale being that unless larger units are protected the Council will fail to provide enough family homes to meet the needs of the Borough. This is underpinned by the Newham Strategic Market Assessment (2016) (SHMA) which outlines a need for five bedroom housing and to which I give weight as the indication of housing need in the area.

11. Two units of accommodation would result from the subdivision. This includes the enlargement of ground floor to provide a four bedroomed unit and the use of the first floor as a separate flat. Whilst one of the units proposed would be a four bedroomed dwelling, and thus a family unit, for the reasons given above its standard of accommodation would be unacceptable. Moreover, the overall scheme would create a first floor unit that would provide poor accommodation for its occupants.
12. I therefore conclude that the development would adversely affect the supply of quality family housing in the area and conflict with the Policies S1, S6, H1 and H4 of the CS. These policies focus on the protection and increase of family housing by resisting the loss of family dwellings through subdivision.

Provision of cycle facilities

13. Whilst 2 car spaces and four cycle spaces are proposed in the development, the Council's policy requires that cycle provision be secure and weatherproof and located in close proximity to the entrance to units. The appellant states that the number of spaces proposed meets the policy requirement and is sufficient and will not have a detrimental impact on transport.
14. Provision of the number of cycle spaces is sufficient however their location is physically separate to the flat and inconveniently located, they also lack shelters and thus would not accord with the Council's requirements. In these circumstances they are unlikely to encourage cycle use and the scheme would therefore be in conflict with the aims of the Framework, Policies 3.5 and 6.9 of The London Plan; Policy SP2 and INF2 of the CS and Policy SP8 of the DSPDP and the SPG which together seek to ensure development is of the highest standards internally and externally, provides integrated and accessible cycle parking facilities which meet minimum standards and maximise sustainable patterns of transport.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised the appeal should be dismissed.

Janet Wilson

INSPECTOR