



Appeal Decision

Site visit made on 8 August 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 21st August 2017

Appeal Ref: APP/U5930/W/17/3175106
75a Station Road, Chingford, London E4 7BU

- 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 PGI Properties Limited against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 170174, dated 18 January 2017, was refused by notice dated 16 March 2017.
 - The development proposed is internal conversion with first and loft levels into 2 self-contained flats with existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the provision of housing suitable for occupation by families in the Borough; and,
 - Whether future occupiers would be likely to experience acceptable living conditions with particular reference to internal space standards.

Reasons

Family Housing Provision

3. The appeal property is a two storey building with additional accommodation in the loft area. It is located within Chingford District Centre and contains commercial use on its ground floor. The upper floors are currently laid out as a three bedroom dwelling, with the plans indicating an existing internal floor area of around 128m². The proposal would involve the conversion of the first floor into a self-contained two bedroom flat and the loft area into a separate one bedroom flat.
4. The Waltham Forest Local Plan Development Management Policies 2013 (DMP) Policy DM6 states that the conversion of larger homes into smaller self-contained homes will not be permitted where the property has a gross original internal floor area of less than 124m². Whilst the existing floor area in the present case is a little above this minimum, Policy DM6 also goes on to state that conversion of homes that have a gross internal floorspace of more than 124m² will only be permitted where, amongst other things, such a conversion would provide at least one larger family sized home of 74m² (3 bed plus) on the ground floor with access to a

dedicated rear garden. Such provision is clearly not possible in the present case, and so there remains conflict with policy requirements.

5. The appellant argues that this proposal reflects current trends and would provide accommodation which is lacking in most areas of the UK, particularly London. Nevertheless, whilst Policy DM6 is based on evidence that housing conversions have taken place at an increasing rate since 2003, at the same time housing supply suitable for larger households within the Borough has declined. Therefore, Policy DM6 seeks to maintain a mixed housing offer by seeking to control both the size of properties that are converted and the nature of the resulting accommodation.
6. The appellant also argues that the proposed 2 bedroomed flat would be a family sized unit. Nevertheless, at around 66m² this unit would clearly fall below the standards generally regarded as suitable for families both in terms of the number of bedrooms and the space available to generally accommodate family activities¹.
7. I conclude on this matter that the proposal would have a detrimental effect on the provision of housing suitable for occupation by families in the Borough. In this respect it would conflict with DMP Policies DM5 and DM6, and also the Waltham Forest Local Plan Core Strategy 2012 (Core Strategy) Policy CS2 which, amongst other things, seek to protect against the loss of family housing.

Living conditions

8. As the loft unit is located within the roof space, a proportion of the front facing bedroom and rear kitchen/living room would be affected by the reducing ceiling heights due to the roof slope. It is probable that as a result the flat would not provide the minimum floor to ceiling height of 2.5m for at least 75% of its gross internal area², as required by the London Plan Policy 3.5. Therefore, whilst I accept that the floor areas of the flats would be acceptable, the appellant has not provided evidence that at least 75% of this floor area would be of sufficient height to be usable in terms of the full range of residential requirements.
9. The Council notes that whilst the proposal would not make the appropriate level of provision for amenity space, the location of this building close to Chingford Green Park means that it would not have been reasonable to refuse the application due to the lack of external amenity space. I have no reason to take a different view on this matter.
10. However, as it has not been demonstrated that the accommodation within the loft flat would provide future occupiers with acceptable living conditions with particular reference to internal space standards, the proposal would be in conflict with Policy CS13 of the Core Strategy, Policy DM7 of the DMP and the London Plan 3.5 which set out and refer to these standards. Policy DM32 is also referred to but does not appear to be directly relevant to this case.

Conclusion

11. For these reasons, and as material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal as dismissed.

AJ Mageean INSPECTOR

¹ For example, a 2 bedroom 4 person unit would require a minimum internal floor area of 70m².

² As set out in the Technical housing standards – nationally described space standard 2015.