



Appeal Decision

Site visit made on 10 May 2019

by A. J. Boughton MA(IPSD), Dip.Arch, Dip.Conservation, RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/G5750/W/18/3218767
23 Selwyn Road, Plaistow, London, E13 0PY

- 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 D. Oblikov against the decision of the London Borough of Newham.
 - The application Ref 18/02630/FUL, dated 10 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is a new two storey rear extension that raises from the lower ground level up to the upper ground level, as well as the conversion of the existing dwelling into one 1-bed self-contained lower ground floor flat and one 4-bed family sized dwelling on the upper floor levels.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the decision of the Council the appellant was granted planning permission to extend the subject building as a single dwelling¹, the design of which closely resemble the works proposed in this appeal. The design of the appealed proposal is therefore uncontentious. The adoption of the Newham Local Plan (December 2018) (NLP) has superseded a number of the policies referred to by the Council in the London Borough of Newham Local Plan Core Strategy (2012); I have determined the appeal on that basis.

Main Issue

3. The main issue is whether the proposed development harmfully affects the retention of family-sized dwellings.

Reasons

4. The Policy most important for the determination of this appeal is Policy H4 of the NLP 'Protecting and Re-shaping the Existing Housing Stock' which states that the loss of family-sized housing through conversion and permitted development has created imbalance in the housing stock.
5. The proposal would result in the conversion of a 'large family dwelling house' (4 bedrooms plus) into a four-bedroomed dwelling unit (with garden) and a one-bedroomed basement flat. The Council state that because the resulting

¹ Approval ref: 18/03399/HH

additional unit is not a family-sized dwelling the proposed development is not supported by Policy H4 in the (then-emerging) NLP.

6. Policy H4 has two parts setting out at Part 1(b) that, in principle, both 3-bedroom houses and '4+ bed family houses' such as the appeal property, will be protected. This strategy emphasises retention of family sized dwellings to reduce the need for residents to move out of the area and that this would include larger houses for single-family occupation; a factor which I consider should attract significant weight. Part 2 of the Policy has two sections and at (b) states that notwithstanding the (aforementioned) 'specific protection' subdivision or conversion of large family dwelling houses: '...may be appropriate where **all**² resulting new units are 4 bedroom plus family dwelling units³'. The proposal does not meet this requirement.
7. Also, whilst the appellant correctly identifies that the larger unit proposed would be suitable for a large family, that is to conflate dwelling houses with other types of housing, a distinction which is apparent in the wording of H4(2)b and of some significance, to my mind, in the overall picture. The policy seeks to balance the benefit of providing additional family dwelling **units** against the loss of conventional family dwelling **houses** as part of a community-building strategy to reduce population churn⁴; underpinning housing choice.
8. Notwithstanding the adequacy of size and design in the units proposed, the emphasis upon 'hold(ing) on to existing family stock'⁵ when new build supply is dominated by smaller units⁶ means that little weight can be attached to the benefit of an additional 1-bedroom flat, compared to the harm arising from the loss of a family dwelling **house** which the NLP seeks to prevent.
9. The appellant contends the proposal accords with Policies GG4 and H10 in the draft London Plan and with policies S6, SP1, SP2 and SP3 of the NLP. Even if that is the case, and whilst the proposal would add to housing numbers and increase density, the objectives of these policies are subsumed into the justification for Policy H4 of the NLP which is most relevant to the determination of this case. The parties refer to an appeal at 2 Walnut Gardens⁷, but this turned on policies now superseded. Bearing in mind the differing circumstances, this appeal does not add to the case of either party.
10. I therefore conclude that the proposal would conflict with Policies H1 and H4 of the NLP and Policies 3.8 and 3.14 of the London Plan which, taken together and amongst other things, seek to ensure family housing is protected within the overall strategy to deliver housing numbers, the maintenance of housing choice and enhancement of existing housing. Therefore, for the reasons given, the proposal fails to accord with the development plan taken as a whole.
11. Consequently, for the reasons given, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

² 'All' (emphasised) is the wording in the adopted version but NOT in the interim version quoted by the Council.

³ and are accompanied by private amenity space (size given).

⁴ Policy 4.2 of the Justification to Policy H1

⁵ Policy H4 justification at 4.53

⁶ Paragraph 4.1 of justification to Policy H1

⁷ APP/G5750/W/18/3200459