



Appeal Decision

Site visit made on 12 July 2019

by E. Brownless, BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 19th July 2019

Appeal Ref: APP/U5360/W/19/3223098

56 Clarence Road, Hackney, London, E5 8HB

- 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 G. Bloch against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2018/4206 dated 16 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is described as 'the erection of a roof extension in order to create a one-bedroom flat'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether future occupiers of the proposed dwelling would have satisfactory living conditions.

Reasons

3. The proposal would provide for the erection of a mansard roof extension to the existing two storey terraced dwelling to facilitate a one bed flat with an open plan kitchen/dining/living area with bed space and bathroom.
4. The Nationally Described Space Standards (NDSS) prescribes that a single storey one-bedroom one-person dwelling is required to provide a minimum gross internal area (GIA) of 37 square metres where a shower room is provided instead of a bathroom. Policy 3.5 of the London Plan (2016) contains similar provisions. There is disagreement between the parties concerning the GIA of the proposed dwelling.
5. However, even if I were to accept the appellant's position that the proposal meets the minimum standard, the submitted plan shows that a significant portion of the GIA includes a staircase. Policy 3.5 of the London Plan (2016) (LP) requires new homes to have adequately sized rooms and convenient and efficient layouts which are functional and fit for purpose.
6. The proposal makes provision for a sizeable open plan kitchen/dining/living area. However, having regard to the position of the staircase and the consequent size and layout of the dwelling, the space is constrained, in particular the bedroom area which lies close proximity to the stairs and requires circulation space to access the bathroom. Thus, the proposal would provide an unconventional layout and cramped accommodation space that would result in a poor standard of accommodation.

7. Accordingly, I conclude that future occupiers of the dwelling would not have satisfactory living conditions having particular regard to its size and layout. As such, the proposal would be contrary to LP Policy 3.5 and Policy DM1 of the Hackney Development Management Local Plan (2015). Among other things, these policies require developments to be well laid-out internally, ensuring that proposals would not lead to cramped layouts and allow for adequate circulation space.
8. The Council have cited a conflict with Policy 24 of the Hackney Local Development Framework Core Strategy (2010) (CS). Among other things, this policy relates to the built environment and the creation of a sense of place and local distinctiveness that is attractive and accessible. However, I consider that the proposal broadly complies with these requirements and therefore I find there is no conflict with CS Policy 24. In addition, the Council have not provided me with any detail of the alleged conflict with the Mayor of London's Housing SPG and therefore this matter is not determinative. Notwithstanding this, I still find that the proposal conflicts with the development plan for the reasons given above.

Other Matters

9. The appellant has drawn my attention to examples of similar extensions within the surrounding area, however I have little evidence before me relating to the particular circumstances of these developments. In addition, the scheme at Nos 40-42 Clarence Road concerned different internal arrangements of the accommodation and sizing. As such, this scheme is not directly analogous to the case before me. Therefore, a comparison is of limited relevance and I have considered the appeal before me on its individual planning merits.
10. The appeal building lies within a predominantly residential accessible location where the principle of providing additional residential floorspace is considered acceptable. No adverse impact in terms of the proposal's design as a mansard roof, flooding and the living conditions of neighbouring occupiers has been identified. However, the absence of harm is a neutral factor that weighs neither for nor against a proposal.

Conclusion

11. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR