



Appeal Decision

Site visit made on 15 July 2019

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/E5900/W/19/3226689 10 Scarborough Street, London E1 8DR

- 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 Abdul Halim against the decision of the London Borough of Tower Hamlets Council.
 - The application Ref PA/18/01950, dated 31 July 2018, was refused by notice dated 12 October 2018.
 - The development proposed is described as retention of existing studio flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The studio flat at the appeal site was originally constructed as an outbuilding under planning permission reference PA/15/02953 which limited its use to study and storage use only for the family residing at the site address. At the time of my visit it was fully fitted out as a studio flat complete with kitchen and WC and shower.

Main Issues

3. The main issues are:
 - whether the proposed development would have an adverse impact on the living conditions of future occupants of the proposed studio flat in terms of availability of internal space and private amenity space; and
 - the effect of the proposed development on the character of the surroundings on South Tenter Street.

Reasons

4. The outbuilding the subject of the appeal is located to the rear of No 10 Scarborough Street, a brick built, 3 storey, end of terrace property currently being extended to the side. The outbuilding sits adjacent to the rear boundary of the plot on South Tenter Street where a number of the Scarborough Street properties have outbuildings, although there was no evidence that any were being used as studio flats. A small hard-paved area lies between the main house and the studio. Currently much of the area is occupied by a large shed.

Living Conditions

5. It appeared from my observations on site that there is a discrepancy between the size of the building on the submitted plans and the actual measurements

- on site. According to the submitted plans, the building would measure approximately 7 metres by 5.5 metres between internal walls. Whilst it was not possible to measure internally because of fixtures and fittings and furniture the external measurement of the building was approximately 6.2 by 5.5 metres. From this it is clear that the external area of the building would be around 34m². The *Technical Housing Standard* requires a 1 person / 1 bedroom unit with WC and shower room to have a minimum internal floor area of 37m², a standard that is the same as that required by the *London Plan* and policy DM4 of *Tower Hamlets Managing Development 2013* (THMD). As the external measurements would not achieve this minimum area the internal area would be some way short of the minimum space standard.
6. Policy DM4 also requires 1 person flats to have at least 5m² of private amenity space. As stated above although there is intervening space between the main house and the outbuilding (stated to be garden in the proposed site plan) this would be a very small area, much of it already taken up by the storage shed. It is clear from the appellant's submissions that it is intended that the studio could be occupied independently to the main house and it would not be possible to create private amenity space for the studio in the small area available. However, even if the studio were occupied as ancillary accommodation to the house, the amount of outside amenity space left after construction of the outbuilding would be too small for the size of living accommodation now on the site, particularly with the main house currently being extended.
 7. Whilst in some instances the availability of local parks can provide local amenity and recreation space in place of garden space this would have to be close to the property. The nearest public open spaces of any size, at Rope Walk Gardens and Swedenborg Gardens, are about 600 metres from the appeal site and I am not satisfied that these would be close enough to provide an alternative to on-site amenity space.
 8. Not only is the provision for amenity space unsatisfactory but the appeal proposal makes no provision for either refuse or cycle storage within the site. Indicative areas are shown in the Design and Access Statement but not on the submitted plans. Even if a condition was to be imposed to require such storage there would be inadequate space to accommodate provision for both houses as well as amenity space.
 9. The result of the proposal is that the living conditions, both in respect of the studio flat and the main house, would be severely compromised with regard to internal and external space.
 10. The Council in *Tower Hamlets Core Strategy 2010* (THCS) Policy SP02 requires that proposals should be designed to ensure all housing is appropriate, high quality, well designed and sustainable. The standards required to achieve this quality are set out in THMD Policy DM4. The London Plan at Policy 3.5 also requires housing to meet minimum standards and to be to a high quality. The policy objectives of Policies SP02, DM4 and 3.5 would not be achieved by this proposal and it would be unacceptable in terms of its impacts on living conditions for present and future occupants of the studio flat.

Character and Appearance

11. As stated above, a number of the properties in Scarborough Street do have outbuildings in their rear gardens fronting onto South Tenter Street. However

most are only half the width of their plots and do not have windows and doors facing onto the street and, as stated, none appear to be in use as studio flats.

12. South Tenter Street has the character of a service road providing rear access to the main properties on Scarborough Street and back service entrances to the commercial buildings on Prescott Street. The character is not conducive to the introduction of residential accommodation and allowing this appeal would make it more difficult to resist planning applications for inappropriate backland residential development in the future.
13. I acknowledge that the outbuilding has been built to be in keeping with the main house in terms of materials but this in itself is not sufficient reason to justify the introduction of a use that would be at odds with the character of the area, where the outbuildings are used in the main as ancillary storage space.
14. Policy SP10 of the THCS requires that development respects its local context and townscape including the character of the surrounding area. Policy DM24 of the THMD reinforces this, requiring development proposals to be sensitive to and enhance the local character and setting of the development. For the reasons above the proposal fails to achieve both the objectives of THCS and THMD Policies SP10 and DM24.

Other Matters

15. I acknowledge that the proposal would provide one small unit of accommodation in an accessible and sustainable location and would contribute in a small way to housing provision locally. However it is no part of any of the Council's policies or the LP policies referred to above that such provision should result in the creation of substandard dwellings by virtue of inadequate internal and external space which would be the case here.

Conclusion

16. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and understand the appellant's wish to make the most of the property through conversion of the outbuilding to create a studio flat. However this would not outweigh the harm to living conditions that would result and the detrimental effect of the proposal on the character and appearance of the area and the appeal should be dismissed.

P. D. Biggers

INSPECTOR