



Appeal Decision

Site visit made on 16 July 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Appeal Ref: APP/W5780/W/19/3226339

1 Seven Kings Road, Seven Kings, Ilford IG3 8DQ

- 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 Yosef Leifer against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4743/18 dated 16 November 2018, was refused by notice dated 7 March 2019.
 - The development proposed is described as "the erection of a two-storey rear extension, roof extension and loft conversion to facilitate the conversion of the existing residential property into five self-contained flats".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would:
 - 1) reduce the stock of larger family homes;
 - 2) provide acceptable living conditions for future occupiers with particular regard to outlook, privacy, private amenity space and for neighbouring residents with particular regard to noise and disturbance;
 - 3) provide adequate parking; and
 - 4) have an effect on the character and appearance of the area.

Reasons

Larger Family Homes

3. The appeal property is on the junction of three roads in an almost exclusively residential area. Together with the other houses in the terrace, it sits at an angle to Seven Kings Road, unlike all the other terraces which sit front and square to the road. It has a prominent position as a result of its location on a corner plot. While there is a terrace of commercial properties (Electric Parade) to the north west, the appeal property is part of the residential development comprising Seven Kings Road, Felbrigge Road and

Balmoral Gardens. The area is mainly residential with a variety of size and type of dwellings which gives the area a pleasant suburban character.

4. The proposed development would result in four 1 bedroom flats and one 3 bedroom flat. The Council has referred to the Outer North East London Strategic Housing Market Assessment (2016) which indicates that there is a significant need for larger properties (more than 3 bedrooms) in the Borough. The Redbridge Housing Strategy 2017-2022 seeks to provide a range of house types to meet the Borough's housing needs.
5. The appeal property has five bedrooms and is one of few larger houses in the immediate neighbourhood. It is not within a Metropolitan, District or Local Centre as defined in Policy LP6 of the Redbridge Local Plan 2018 (RLP). That policy, together with Policy LP5, does allow for conversions of larger residential properties but only within those centres.
6. The appeal site is located close to, but outside of, the boundary of the Seven Kings Local Centre (SKLC) and other local centres in the area. These were defined relatively recently within the RLP and it is clear that the aim of Policies LP5 and LP6 is to resist the loss of larger family dwellings to meet an identified local need. Furthermore, apart from being directed to some historic conversions in the area, I have not been presented with any substantive evidence that would persuade me that an exception should be made in this case.
7. Thus, the development would result in the loss of a larger family home. It would be in conflict with Policies LP5 and LP6 of the RLP which seek, amongst other things, to ensure that new flats are created in town centres and that outside town centres, the conversion of larger houses to smaller units will not be supported.

Living conditions

8. All five flats would meet the National Space Standards in terms of floor space and are therefore acceptable in this regard. Policy LP29 of the RLP seeks to ensure that a minimum of 5 sq. m of private amenity space is provided for 1 and 2 bedroom flats. It is clear that although the 3 bedroom ground floor flat would have access to the amenity space provided, the remaining flats would not. Moreover, the development would result in overlooking into the bedrooms of the other ground floor flat that looks onto the amenity space.
9. I accept that there are two parks within walking distance (just over half a mile away) from the appeal site. However, whilst they would provide recreational facilities, they would not provide space for normal domestic activities such as hanging out washing.
10. The parties agree that the proposed flats would meet the minimum space standards for new dwellings set out in Policy 3.5 of the London Plan. From the evidence before me I see no reason to disagree with that assessment.
11. The note to table 3.3 at Policy 3.5 of the London Plan 2016 states that in order to address the heat island effect of London and the density of its flatted development, that ceiling heights of 2.5m for at least 75% of the gross internal floor area are strongly encouraged so that new homes are of adequate quality, especially in terms of light, ventilation and sense of space.

From the evidence before me, the second floor flat would not meet the recommended ceiling height. This flat would not meet the quality standards required by the London Plan 2016.

12. I accept that the development is for the conversion of a 100-year old building as opposed to a new build development. However, the second floor flat would be a newly created residential unit and, to be acceptable, should comply with the quality standards set out in the London Plan.
13. The Council considers that the creation of five new households on the appeal property would be an intensification of the use of the site, to the detriment of the occupiers of neighbouring properties. The rear external space (after construction of the extension) is to be allocated solely to the three-bedroom flat so there would be very little difference in activities in the garden which might result in disturbance, when compared to use as a single dwellinghouse in a residential area such as this.
14. Although it is possible that the number of cars parking on the site might increase, the development would result in only two additional bedrooms over that which exists. I deal with the effect of additional cars on the highway below. However, in relation to the likelihood for additional disturbance caused to neighbours, I consider that the impact on living conditions of neighbours would not be so detrimental that it would justify a dismissal of the appeal of itself. This is on the basis that the existing property could accommodate up to six people, each with a car, so that any disturbance caused by the occupants of the proposed development is likely to be indistinguishable from that which could occur now.
15. I have found that the development would not have an impact on neighbouring properties through increased noise and disturbance. However, the development would not provide sufficient garden space for the proposed flats. It would be in conflict with Policy LP29 of the RLP which seeks, amongst other things, to ensure that amenity space meets the needs of occupants.
16. There is a lack of privacy for the occupiers of the ground floor flats and the ceiling heights in flat five are substandard. The proposal is therefore contrary to Policy 3.5 of the London Plan and Policy LP6 of the RLP which seek to ensure that residential accommodation is of sufficient quality.

Parking

17. The appeal property is not within a controlled parking zone and although there are double yellow lines in the road immediately outside the property, there is on-street parking on both sides of the road and several houses have off-street parking in place of front gardens. As a result of the terraced design of most of the houses, there is generally (although not exclusively) room for only one off-street space per house. As a result of the angle of the terrace, the appeal property has more space in front of the house than any other property in Seven Kings Road. The proposal shows three parking spaces (two to the front and one to the rear) which the Council describes as being *"close to the London Plan Parking Standard"*.
18. There are two aspects to the parking of cars at the appeal property. First, whether the parking provision at the front is capable of accommodating two

cars, both of which are able to enter and exit in forward gear, and secondly whether there is likely to be a shortfall in off-street parking provision, and if so, where the overflow would park.

19. The Appellant submitted swept path drawings to the Council and from those drawings I note that the cycle and bin storage area would reduce the amount of available space at the frontage, compared with the site as I saw it. Both spaces would require a number of movements to enter and exit and it is clear that parking for two cars would be awkward. The parking of the second car would be highly dependent on the satisfactory parking of the first. If the second car could not be parked off-street, then the driver would be forced to find a space on-street.
20. As parking in Seven Kings Road is not regulated, it is not known whether the local highway network can accommodate additional parking needs. For this reason, Policy LP23 of the RLP sets out criteria by which the Council will ensure that new development provides sufficient parking. The proposed development would provide less than the maximum spaces set out in Policy 6.13 of the London Plan and where there is no minimum level, Policy LP23 of the RLP states that proposals will be considered on the basis of a transport assessment and travel plan measures, public transport availability and the availability of on-street parking taking into account the outcome of any parking stress survey. A development of this size would not need a transport assessment, and it is accepted by both parties that the public transport availability level is moderate. However, although a parking stress survey is not an absolute requirement under the policy, the quantity of on-street parking available to accommodate the overflow from the proposed scheme is unknown.
21. On the basis that the on-site parking is sub-standard in quality and quantity, and it is not known whether local demand on-street parking has capacity for the overflow, I conclude that the parking provision in the proposal does not comply with Policy 6.13 of the London Plan and Policy LP23 of the RLP which seek, amongst other things to ensure that new development has adequate parking provision.

Character and appearance

22. Following the conversion of the building, the front of the property, when viewed from Seven Kings Road would remain largely unaltered, save for the loss of symmetry with the hipped roof at the opposite end of the terrace and a number of roof lights. However, the bulk of the rear extension and the creation of the gable would substantially change the property when viewed from Felbrigge Road and Balmoral Gardens. The extension would create a large flank wall and gable wall with no openings which would dominate the junction of Felbrigge Road and Balmoral Gardens. In addition, the large rear two storey extension would dominate the existing three dormer windows when viewed from Felbrigge Road.
23. I have considered the hip-to-gable conversions referred to by the appellant, especially that at 20 Seven Kings Road opposite the appeal property. The difference is that they are all at the end of a terrace which is close to the next-door house at the start of the next terrace. Consequently, they do not have the same impact on the street scene as the appeal proposal.

24. Although I note the development at 1 Balmoral Gardens, I have not been provided with any details that led to the development of the site being accepted in order to enable me to make a direct comparison to the proposed development. Moreover, the existence of a development elsewhere does not represent an appropriate reason to find in favour of a development that would otherwise cause harm for the reasons as set out above. However, despite the dormer window in the roof facing the appeal property, the roof retains the original hipped shape. The proposed hip-to-gable conversion on the appeal property would appear incongruous and together with the bulk of the ground and first floor extension would have a greater detrimental impact on the street scene than the extensions at 1 Balmoral Gardens.
25. I conclude that the size and exposure of the proposed extensions and roof conversion are such that they would be incongruous in the street scene which would detrimentally impact the character and appearance of the area. It would be contrary to Policy LP26 2(b) of the RLP and Policies 7.4 and 7.6 of the London Plan which seek to ensure, amongst other things that new development is of a high-quality design, appropriate to local character and makes a positive contribution to the public realm.

Other Matters

26. The Appellant explains that the appeal proposal is scaled down from an earlier scheme which was refused planning permission. However, each decision must be considered on its own merits and I find, for the reasons set out above that the proposed development would be contrary to the development plan.
27. The Appellant states that the hip-to-gable roof conversion could be carried out under the GPDO¹. That is the case, but the effect of such development would not be so stark and would not have the same detrimental impact as the proposed development.

The Planning Balance

28. The development seeks to boost the supply of housing which would result in some support for local services and facilities, both during construction and when the buildings are occupied. As such, the proposal would have social and economic benefits. Nevertheless, given the modest amount of development proposed, the weight I accord these benefits is limited. However, I have found that the proposed development would be contrary to the development plan for the reasons given above, to which I afford significant weight.
29. Moreover, even if the Council is unable to demonstrate a five year housing land supply and whether or not development plan policies which are most important for determining the appeal should be considered out-of-date, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework² taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the development plan.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015

² National Planning Policy Framework 2019

Conclusion

30. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jan Hebblethwaite

Inspector