



Appeal Decision

Site visit made on 1 October 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/G5750/W/19/3234065 76 Neville Road, London E7 9XQ

- 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 S M Sharif against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/00551/FUL, dated 19 February 2019, was refused by notice dated 7 May 2019.
 - The development proposed is single storey ground floor extension in place of existing conservatory and part rear extension and conversion of existing house to two self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised floor plans were submitted with the appeal which seek to demonstrate how storage space could be provided in order to overcome one of the reasons for refusal. Whilst detailed consideration of these is set out within my reasoning on that Main Issue, I am content that there would be no prejudice or conflict with the Wheatcroft Principles in accepting them. The Council have commented on the plans and given the changes are essentially limited to internal layout, I do not consider that they represent a new scheme nor one which would have fundamentally altered how interested parties might have commented.
3. The Council have cited a number of policies from the emerging Draft London Plan within the reasons for refusal. At the time of my decision, this remains as an emerging plan and not formally part of the Development Plan; I have therefore afforded it limited weight.

Main Issues

4. The main issues are the effect of the proposal on:
 - i. The supply of family sized dwellings; and,
 - ii. The living conditions of the future occupiers of Flat A in respect of the Gross Internal Area (GIA).

Reasons

Supply of family sized dwellings

5. Policy H4 of the London Borough of Newham Local Plan 2018 (the Local Plan) establishes the need to protect family housing, specifically defined as those dwellings with three bedrooms and four or more bedrooms. The policy justification, together with the appeal evidence, identifies that there has been a previous reduction in the availability of such housing in the Borough.
6. Within this policy context, the appeal site is a two storey terraced dwelling containing five bedrooms and as such is defined as family housing for the purposes of planning policy. The proposal would see the sub-division of the dwelling to create two separate residential dwellings, a ground floor flat (Flat A) with four bedrooms and a first floor flat (Flat B) with two bedrooms.
7. Policy H4 of the Local Plan establishes two exception scenarios which could justify the sub-division of a family dwelling such as the appeal building. Policy H4 2.a of the Local Plan has four criteria relating to the location of the dwelling, the access to amenity space and the entrance to the property. There is no evidence before me to indicate that these exceptions are met.
8. To continue, Policy H4 2.b of the Local Plan also considers the subdivision of larger family housing, with four or more bedrooms. In these circumstances, there is potential support for proposals where all new units would have four or more bedrooms and would have at least 45 sqm or private amenity space with a minimum width of 4m.
9. Whilst Flat A would provide the required number of bedrooms, Flat B would not and would fall outside the definition of family housing as set out in Policy H4 of the Local Plan. Furthermore, whilst the garden space for Flat A appears to exceed the required level, this would not be met in respect of Flat B. It has been suggested that because the floorspace of Flat B exceeds the requirements as set out in the Technical Housing Standards – nationally described space standard, any deficiency in the size of the garden should be disregarded.
10. The size of the garden space available to Flat B was not a reason for refusal, rather it was one element in assessing whether the proposal accorded with the exceptions set out above. It is clear that these tests are not met and therefore the sub-standard garden space available to Flat B is relevant to the assessment, irrespective of the size of internal spaces.
11. On this basis, the proposals do not address policy and fail to be justified in the context of the two exceptions scenarios. Whilst I acknowledge that the appellant's preference is to sub-divide the property, and that one of the flats would provide the required number of bedrooms, there is nothing before me which justifies this in the context the Council's strategy to ensure that there is an adequate supply of family sized dwellings in the Borough.
12. For these reasons, the proposal fails to protect the supply of family sized dwellings and is contrary to the Development Plan and policies set out across a number of adopted Plans. From the London Plan (2016), this includes policies 3.3 regarding the supply of housing to meet local need, 3.5 insofar as it sets out the minimum space standards for dwellings, 3.8 in relation to housing choice and specifically the needs of communities with larger families, and 3.14 in respect of maintaining the existing housing stock. Within the Local Plan,

relevant policies include H1 which specifically deals with the need for family housing, H4 which establishes the protection of family housing together with the exceptions principles, S1 which establishes the Council's spatial strategy and S6 which outlines the need to provide family housing.

13. In addition, the Housing Supplementary Planning Guidance (August 2017) (the Housing SPG) provides guidance on London Plan policy, including meeting local housing needs and the standards of accommodation. Finally, the National Planning Policy Framework (the Framework) establishes the importance of ensuring there is adequate housing to meet local needs.

Living conditions

14. Flat A would provide four bedrooms together with an open plan living, dining and kitchen space opening to the rear garden. Local Plan policy confirms that housing development should conform with the Government's 'Technical Housing Standards – nationally described space standard 2012,' as reflected within the Housing SPG). This outlines that a four bedroom/five person flat should have a minimum gross internal area (GIA) of 90m² together with identified built in storage of 3m² in order to ensure an improvement in housing quality and that dwellings meet the future needs of occupants.
15. The evidence indicates that the proposal as submitted to the Council failed to meet the necessary floorspace standard and as such was in part refused on the grounds that there would be a negative impact on the living conditions of future occupiers.
16. Amended plans have been submitted with the appeal which seek to indicate how sufficient internal storage space could be provided within bedrooms to meet the standards. I have considered the revised plans insofar as they seek to demonstrate that the necessary level of built in storage can be provided. However, based on the evidence of the Council, and with no detailed evidence to the contrary from the appellant, Flat A fails to provide sufficient space within the dwelling as a whole, irrespective of whether the lack of space is within circulation areas or specific rooms.
17. As a result, it is not possible to conclude that the proposal would provide acceptable living conditions for the future occupiers of Flat A in respect of the Gross Internal Area. On this basis, the proposal is contrary to Policy 3.5 of the London Plan 2016 insofar as it sets out the minimum space standards for dwellings. From the Local Plan, the proposal conflicts with Policies S1 which establishes the Council's spatial strategy, S6 which outlines the need to provide family housing, SP1 promoting placemaking and ensuring Newham is a desirable place to live, SP2 in respect of housing quality, SP3 relating to providing high quality accommodation for living, SP8 in respect of making appropriate provision for communal and private amenity space and H1 which specifically deals with the need for family housing.
18. The Housing SPG is also relevant in respect of providing guidance on London Plan policy, including meeting local housing needs and the standards of accommodation and finally, the Framework insofar as it seeks to ensure that housing and its detailed design meets the needs of occupiers.

Other Matters

19. The evidence indicates that there are discrepancies between floor plans and elevation drawings, particularly in respect of windows for bedroom 4 in Flat A. It would appear from the updated drawings that this has been clarified although the Council's statement of case maintains the previous concern. Whilst noting this, on the basis of my conclusions on the substantive matters of the case I have given no further consideration to this issue.

Conclusion

20. For the reasons set out above, the appeal is dismissed.

M Harris

INSPECTOR