

Appeal Decision

Site visit made on 8 October 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal Ref: APP/W5780/W/19/3233201

Workshop Rear of 4 Grove End, London E18 2LE

- 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 Stanoak (Grove End) Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1277/19, dated 18 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is the conversion of an outbuilding into habitable accommodation and integration into HMO at no.4 Grove End.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above sets out that the conversion of the building at the rear of the site would be integrated with the use of the existing House in Multiple Occupation (HMO). This description is agreed between the main parties. Whilst the Council consider the converted building would be capable of operating as a self-contained dwelling, the planning application was determined on the basis that it would be integrated into the existing HMO to provide a total of 7 bedrooms. Accordingly, I have dealt with the appeal in the same way

Main Issues

3. The main issues are:
 - whether satisfactory living conditions would be provided for future occupiers of the proposed development with particular regard to outlook.
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, with particular regard to any arising noise and disturbance and the privacy of 2, 9, 11 and 13 Grove End.
 - Whether the proposal makes adequate provision for off-road car parking and cycle storage and the effect of any lack of provision on the living conditions of local residents.
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions of Future Occupiers

4. The submissions show that one of the proposed bedrooms would have its sole window fitted with obscured glazing and be fixed shut below a height of 1.7 metres. This would significantly limit the outlook of the occupiers to an extent that does not represent accommodation of adequate quality. Whilst this approach can be found acceptable for non-habitable accommodation, occupiers of bedrooms should be able to have an outlook and I consider this to be particularly important for a bedroom in a HMO where the occupier is likely to spend more time as it is their sole private space.
5. The appellant has identified that the obscure glazing need not cover the whole of the window but has not provided cross-section details to demonstrate how much of an outlook would be achieved. Furthermore, to be effective, more of the window would need to be obscured than shown in the illustrative example that has been provided by the appellant. In any event, the provision of outlook at a high level alone is not sufficient to provide adequate living conditions.
6. The habitable ground floor accommodation is served by glazed doors and a window, but these are in close proximity to the boundary fence. The outlook from within the property is therefore dominated by fencing which would have an overbearing effect on the living conditions of future occupiers, even within a densely built up area. When considered in conjunction with the lack of outlook at first floor, the living conditions serving the occupiers of the building would be oppressive.
7. Whilst the main parties disagree over the applicable standards and the relevance of the Technical Housing Standards – Nationally Described Space Standards, both agree that the habitable accommodation is of sufficient size.
8. However, for the above reasons, the proposed development would not provide adequate living conditions for the occupiers of the proposed development, with particular regard to outlook. Whilst the proposal is not contrary to policy LP29 of the Redbridge Local Plan 2015-2030 (RLP), adopted 2018, the proposal is contrary to policy 3.5 of The London Plan (LP2016), adopted 2016, which requires that housing developments are of the highest internal quality. The proposal is also contrary to the National Planning Policy Framework which requires that development provides a high standard of amenity for existing and future users.

Living Conditions of Occupiers of Neighbouring Dwellings.

9. Immediately adjacent to the appeal site is the dwelling and rear garden of 2 Grove End. Beyond this is the rear garden of the properties of 1 to 13 Grove End. The Council's reason for refusal refers to these properties as being within Grove Park, but this does not appear to be their address. In any event, it is clear for all parties which properties are being referred to.
10. The first floor windows on the side elevation of the building face the rear garden of 2 Grove End. Without mitigation, these windows would have clear views into the private amenity space of the neighbouring property which would cause an unacceptable loss of privacy and harm to the living conditions of the residents of that dwelling. Due to the separation distance between the windows and the rear elevation of the other dwellings of Grove End, the

overlooking would not have such a significant effect on the living conditions of the occupiers of those dwellings.

11. The submitted plans show that one of the windows would be fitted with obscured glazing to an internal height of 1.7 metres. Although not shown on the plans, at the time of my site visit, the glazing of all 4 windows was obscured. For the reasons that are set out above, the extensive use of obscured glazing would have an unacceptable effect on the living conditions of the future occupants of the building and as such imposing a condition to mitigate the harm identified above would not be reasonable. Without mitigation, the effect on the living conditions of the neighbouring residents would be unacceptable. In this regard, I do not have enough information with respect to the former use of the building to conclude that the extent and frequency of overlooking would have been the same as the situation that would arise as a result of this proposal. I can therefore give the former use little weight in this respect.
12. The site already hosts a HMO that can provide accommodation for up to 6 people under the terms of the lawful use that was confirmed by a Certificate of Lawfulness¹. The appellant indicates that the additional 2 bedrooms could accommodate up to 4 people. Whilst the Council has calculated that the number of residents at the site could be higher, conditions could be used to limit the occupation of the resultant accommodation to no more than 10 people which would be reflective of the terms of the application.
13. The appeal site is located at the point where Grove Hill and Grove End meet and as such there is likely to be traffic and activity generated as a result of the occupation of the dwellings of Grove End and through the use of the turning head that is in front of the appeal site. The nearby North Circular road creates a traffic dominated noise environment and activity is also likely to arise within the locality as a result of the presence of the nearby church, the adjacent bus stop and pedestrian walkways. As such, the locality appears to experience a moderate level of activity and is not therefore a quiet location. In this context, the increase in the number of residents would not cause additional movements or disturbance within the locality that would significantly alter the living conditions of the occupiers of the nearby dwellings.
14. Therefore, whilst the proposal accords with the part of policy LP6 which requires that development does not cause an unacceptable increase of noise, traffic and disturbance, the proposed development would have an unacceptable effect on the living conditions of the occupiers of 2 Grove End as a result of a loss of privacy. The proposal therefore conflicts with policy LP26 of the RLP which requires that development does not result in an adverse effect upon the amenity of neighbouring occupiers in relation to, amongst other things, overlooking and privacy.

Car and Cycle Parking Provision

15. The LP2016 states that dwellings and HMOs falling within Use Class C4 should be served by cycle parking at a rate of 2 spaces per dwelling. No standard for larger HMOs is available, but I consider it to be appropriate to be guided by the abovementioned standard in this case in the interests of promoting sustainable modes of transport. No dedicated cycle parking appeared to be available at the

¹ London Borough of Redbridge Application Reference 3360/18

site and none is shown within the proposals. The absence of cycle parking might discourage cycle ownership and use and therefore the failure to provide cycle parking would undermine the emphasis that exists on the promotion of sustainable modes of transport. In this instance I do not consider that this matter can be adequately addressed by a condition as the provision of a cycle store, of unknown size and location, might have implications for the provision of garden space or the living conditions of occupants at the site or neighbouring sites that I am not able to assess.

16. The site currently has space to park 2 cars in a tandem arrangement. Although the site is in close proximity to a bus stop and is within walking distance of the transport connections, facilities and services of South Woodford, car ownership amongst the site's occupants is likely. In this regard, the appellant's Transport Note has identified that parking was available at the time of that study and on-street parking was also readily available at the time of my site visit. As such, due to the on-street parking capacity that appears to exist and the relatively few properties that are served by Grove Hill, which only has housing on one side for a long stretch, any increased demand for on-street parking that would arise from this development would be able to be met without creating conditions of unsafety for pedestrians or other road users.
17. Therefore, whilst the car parking provision at the site and within the locality is satisfactory, inadequate cycle parking would be provided to serve the proposed development. The proposal is therefore contrary to Policy LP23 of the RLP which requires new development to provide sufficient cycle parking. Furthermore, the proposal is contrary to policies 6.9 and 6.13 of the LP2016 which require that developments provide secure, integrated, convenient and accessible cycle parking facilities.

Character and Appearance

18. The appeal site is located at the bend of a mostly residential street, with a pedestrian footpath and the North Circular adjacent to the site on one side and a densely wooded area to the rear. The area is characterised by featuring rows of buildings that appear to be two storey dwellings, albeit with some accommodation in the roofs. The site and its attached neighbour are the last of the older buildings within the street as a more recent development appears to have taken place after the bend in the road.
19. The appeal site contains a two storey building to the front of the site with a first floor side projection that is used as a HMO and benefits from a Certificate of Lawfulness to that effect. The space under the first floor side projection provides a route through to the rear of the site which provides parking. The proposal relates to the alteration of the building at the rear of the site to create additional habitable accommodation consisting of two bedrooms and associated living and kitchen space.
20. The evidence before me indicates that the building at the rear of the site has been present for a lengthy period of time and as such it is an established feature of the site and the locality. Although it is visible from within neighbouring properties, there are only partial views from the public realm, notably from the adjacent footway and Grove End. Whilst there appeared to be no other examples of buildings of comparable scale being located within the rear gardens of the surrounding dwellings, the alteration of the existing

building would not cause it to have a greater effect on the character or appearance of the area.

21. Although it appears that the building has recently been refurbished and few details have been provided of its previous appearance, the domestic appearance of the building renders it more appropriate to a residential setting than a commercial building is likely to have been. In this case, I do not find that its appearance or the alternative use of the building causes harm to the character or appearance of the area.
22. The proposed development would not therefore have an unacceptable effect on the character and appearance of the site and the surrounding area. As such, the proposal does not conflict with the aspect of policy LP26 of the RLP which requires that development is well integrated and has regard to and respect for the surrounding area and the existing layout of buildings. The proposal also complies with the aspect of policy LP7 that requires compliance with the design requirements of policy LP26.
23. The proposal also complies with the parts of policies 3.5 and 7.4 of the LP2016 which require that development is related to its context and the wider environment and has regard to the pattern and grain of existing spaces and streets.

Other Matters

24. The appellant has identified other appeal decisions where conflict with the criteria contained within policy LP6 has not been upheld, particularly with regard to the location of those sites relative to metropolitan, district or local centres. In those cases an objection was being raised to the principle of using the site as a HMO. The Council has raised no objection to this proposal on those grounds and appears to have had suitable regard to the presence of an existing HMO at the site. The appeal decisions therefore do not affect my assessment in relation to the main issues.
25. The appellant has suggested that policies LP6 and LP7 of the RLP and policy 3.5 of the LP2016 are not applicable. As set out above, I have not found conflict with policy LP7. In relation to the other policies, I find that the policies relate to housing and not just dwellings. As such, whilst not being houses in the traditional sense, HMOs are still buildings that house their residents and as such the policies should be afforded weight. Even if I were to share the appellant's view, I find that the content of the policies is still indicative of what represents high quality design and should therefore be afforded weight in that context. Furthermore, although policy LP6 of the RLP is primarily focussed on the conversion of existing dwellings to HMOs, I consider that it remains of relevance to this appeal as the development relates to the expansion of a use that has arisen as a result of the conversion of a dwelling.
26. The appellant has also identified that the proposal represents the use of a previously developed site and would derive benefits in terms of bringing a vacant building back into use. I afford weight to these benefits, but do not find that they outweigh the harm that has been identified above.

Conclusion

27. Bringing together my conclusions on the main issues I have found that the development would not have an unacceptable effect on the character and

appearance of the site, that the level of car parking provided would not give rise to unsafe highway usage and that the noise and disturbance arising from the use of the development would not harm the living conditions of neighbouring occupiers. However, I have found that the living conditions for future occupants would not be acceptable due to the lack of outlook from the habitable accommodation, the proposed accommodation would cause a loss of privacy within a neighbouring property and there would be inadequate cycle parking or storage provided. Despite the other considerations that have been identified and the absence of harm in some respects, I consider that these factors are outweighed by the harm caused, and this is decisive.

28. For the reasons given above the appeal is dismissed.

Ian Harrison

INSPECTOR