

Appeal Decision

Site visit made on 19 November 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/G5750/W/19/3236595

22 Alverstone Road, Manor Park, London E12 5NJ

- 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 Jubel Ahmed against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/00382/FUL, dated 6 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed has been described as proposed flat conversions from existing house.
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Decision

1. The appeal is dismissed

Procedural Matter

2. The description of development used in the heading above has been taken from the application form. The Council's Decision Notice uses a different description which I consider to be more accurate as it refers to the alterations to the building that are shown on the submitted plans. However, it has not been confirmed that this alternative description has been agreed and I have therefore used the original description in the heading above.

Main Issues

3. The main issues are the effect of the development on:
 - The supply of family housing
 - The living conditions of the occupiers of the proposed development.

Reasons

Family Housing

4. The submitted plans show that the existing building at the appeal site is used as a dwelling containing 8 bedrooms. It is proposed to adapt the building to form 2 flats, each containing 2 bedrooms.
5. Policies S1 and S6 of the Newham Local Plan 2018 (NLP) include the strategic aim to create mixed and balanced communities, provide and protect family housing and restrict flat conversions. Furthermore, policy H4 of the NLP states that the Council will protect family housing with 3 or more bedrooms. These policies are consistent with paragraph 61 of the National Planning Policy Framework (The Framework) which states that the size, type and tenure of

housing needed for different groups in the community should be reflected in planning policies. In addition, policies 3.3, 3.8 and 3.14 of the London Plan (LP), adopted 2016, require that the condition and quality of existing homes is maintained and that Londoners have a choice of ways to meet their housing needs.

6. As the 2 exceptions contained within policy H4 of the NLP are not applicable, the proposal is contrary to the abovementioned development plan policies and would undermine the aim to provide a housing stock that meets the needs of the Borough.
7. The appellant has suggested that the sub-division of the existing building would introduce a mix of accommodation and housing types into the locality which is dominated by family housing. The appellant has also stated that 7% of the housing stock within a 2 mile radius of the appeal site has been the subject of planning applications and as such the area has not seen the widespread conversion of dwellings. However, I have not been provided with evidence that clarifies the mix of properties within the locality or the number of conversions that have occurred. In any event, the policies relating to the provision of family housing appear to relate to the whole Borough and as such there is no policy basis to consider the mix of housing at a more local level.
8. For the reasons given above, the proposed development would have an unacceptable effect on the supply of family housing and would be contrary to policies S1, S6 and H4 of the NLP and policies 3.3, 3.8 and 3.14 of the LP, the requirements of which are set out above. The development would also be contrary to paragraph 60 of The Framework and the Mayor of London's Housing Supplementary Planning Guidance (HSPG), adopted 2016, which seek the provision of a choice of housing.
9. Although policy 3.5 of the LP is included in the reason for the refusal of the application, I do not find its content to be directly related to this matter. Similarly, as policy H1 of the NLP appears to focus on the delivery of new housing rather than the protection of the existing stock, I do not consider it to be relevant to this matter. This does not, however, alter my conclusion in respect of the other relevant policies that are listed above.
10. The Draft London Plan is emerging and as such it cannot be given full weight. In any event, policies GG4, H10 and H12 contain similar aims in terms of providing housing choice and a mix of housing that meets identified needs. As such, the emerging plan would not be reason to reach a different conclusion in respect of this matter.

Living Conditions of Future Occupiers

11. The Technical Housing Standards – Nationally Described Space Standards (THS) provide, among other things, minimum size standards in terms of the overall size of residential units, bedroom sizes and internal storage. Policy H1 of the NLP, policy 3.5 of the LP and the HSPG all require residential development to provide suitable living conditions and meet defined standards. Policies H1 of the NLP and the HSPG also combine to require that external private open space is provided for all properties.
12. The appellant's Impact Statement and the Council's Officer Report provide different measurements for the floorspace of the flats, but both indicate that

the flats are too small to comply with the THS. Furthermore, no internal storage is proposed, the first floor flat would not be served by any private garden space and I have no evidence before me to dispute the findings of the Council in respect of the bedroom sizes. As such, the flats would not be served by adequate internal living conditions or garden space and would not therefore provide future occupiers with a high standard of amenity as required by paragraph 127 of The Framework.

13. The appellant has identified that policies S1, S6, SP1, SP2 and SP8 of the NLP do not provide applicable standards, but each of these policies, along with policy SP3, refer to the requirement for development to be of high quality and improve the quality of housing. By providing inadequate living conditions, the proposal does not meet this requirement.
14. The proposed flats would therefore have an unacceptable effect on the living conditions of the occupiers of the proposed development. Accordingly, the proposal is contrary to policies H1, S1, S6, SP1, SP2, SP3 and SP8 of the NLP, policy 3.5 of the LP and the content of both the HSPG and The Framework, all of which combine to require a high standard of amenity for future residents and residential development to be of high quality.
15. As above, policies GG4, D1 and D4 of the emerging Draft London Plan do not represent a significant change in approach to the existing policies and therefore do not alter my assessment in relation to this matter.

Other Matters

16. The appellant has identified that the proposal would provide an increase of residential properties which would also bring about economic and social benefits. These factors weigh in favour of the proposal, but as the proposal relates to the creation of just one additional unit, I find the benefits are limited and do not outweigh the harm that has been identified in respect of the main issues.

Conclusion

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

Ian Harrison

INSPECTOR