The Planning Inspectorate

Appeal Decision

Site visit made on 17 October 2019

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/M5450/W/19/3227893
7 Leeds Road, Seven Kings, Ilford, Essex, IG1 4AP

- 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 Harun Khan against the decision of the Council of the London Borough of Redbridge.
- The application Ref 4544/18 dated 6 November 2018, was refused by notice dated 14 March 2019.
- The development proposed is the conversion of the existing 7/8 bed property into 3 No. flats.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:

   - the effect of the development on local housing stock;
   - the effect of the development on the character and appearance of the area, with particular regard to refuse bins;
   - living conditions, with particular regard to whether future occupiers of the first and second floor flats would have sufficient amenity space and whether the occupiers of the first floor flat would have sufficient internal space;
   - whether the proposal makes adequate provision for cycle-parking;
   - the effect of the development on highway and pedestrian safety, and whether the proposed parking levels are appropriate.

Reasons

Appeal site context

3. The appeal site consists of a large pre-WWI semi-detached house. The surrounding area is characterised by similar period properties.

Local housing stock

4. The Council states that it wishes to protect dwellings for family occupation as part of its strategy to meet the housing needs of different groups within the

Borough, as identified in its housing strategy[1] and SHMA report[2]. I recognise that the appellant has submitted evidence[3] that indicates they had difficulty in letting the property in its current form as a family dwelling, but this does not reveal the length of time the property was marketed for or the price. In the absence of evidence that demonstrates that the property was marketed at an appropriate price for an adequate length of time, I am unable to conclude that there is insufficient demand for a family dwelling of this type, especially given the Council's evidence which asserts otherwise.

5. Policy L6 of the Local Plan[4] states that the Council will only support the conversion of larger homes into smaller self-contained units subject to a number of caveats, which include, amongst others, if they are located in a Metropolitan, District or Local Centre. The appeal property does not fall in such a location and the scheme is therefore in conflict with this policy.

6. Despite the Council having referred to Policy LP5 of the Local Plan in its reason for refusal, no information has been forthcoming as to how the scheme does not provide an adequate range of dwelling sizes and tenures. I do not therefore consider there to be sufficient evidence for me to conclude that the scheme is in conflict with this policy.

Character and appearance

7. The scheme does not clarify whether refuse bins for the first and second floor flats will be housed in an external compound structure at the front of the site or be left freestanding, together with the number proposed and design of any compound structure. The appellant states that there is sufficient space at the front of the site to accommodate these facilities, but in my view, using this location for refuse bins, whether freestanding or enclosed within a compound, would be harmful to the character and appearance of the area because of their functional utilitarian appearance and because of the lack of any front garden boundary treatment. As a consequence, the refuse facilities would be publicly visible when approaching in both directions on Leeds Road, which would intensify their harmful impact.

8. Furthermore, in view of the amount of rear amenity space proposed, and required via policy, for the ground floor flat, I am unable to conclude whether there would be sufficient space for these refuse facilities to the rear of the building. In view of this, I consider it necessary that such information should be provided upfront and not left to planning condition.

9. In view of the above, I conclude that the presence of refuse bin facilities to the front of the building would be harmful to the character and appearance of the area. The scheme would therefore conflict with Policy LP26 of the Local Plan, which seeks, amongst other things, to ensure that new development is designed to a high standard and which respects or improves local character.

[1] Redbridge Housing Strategy 2017-2022.
[2] Outer North-East London SHMA, 2016.
[3] Letter by Spartan Property Services Ltd dated 21 May 2019.
[4] Redbridge Local Plan 2015-2030 March 2018, London Borough of Redbridge.

Living conditions

10. The national space standard[5] deals with internal space within new dwellings and sets out requirements for, amongst other things, gross internal area (GIA). Policies LP6 and LP29 of the Local Plan state that all new converted dwellings will be required to meet the national space standard, which is reinforced by Policy 3.5 of the London Plan[6].

11. The proposed first floor flat has a GIA of approximately 67 square metres and contains 2 bedrooms that both exceed 11.5 square metres – according to the national space standard it is therefore deemed to be a 2 double bedroom 4-person residential unit. The appellant acknowledges that it falls below the 70 square metre threshold for a 2 bedroom 4-person flat, but states that it is only slightly below this, and that it exceeds the 61 square metre threshold for a 2 bedroom 3-person flat (which contains one double and one single bedroom).

12. I recognise why the appellant is frustrated that narrowly failing to meet this standard would render the scheme unacceptable, but it is nonetheless a clear policy requirement that a minimum internal space standard be achieved to ensure a satisfactory standard of accommodation.

13. Turning to the matter of external amenity space, the scheme before me shows that the ground floor flat would have its own private amenity space to the rear, but that the first and second floor flats would have none. There is no evidence before me indicating whether any alternative amenity or recreation space would be available close-by for future occupants of these flats to use.

14. In view of the above, I conclude that the scheme would conflict with Policies LP6 and LP29 of the Local Plan and Policy 3.5 of the London Plan, which collectively seek, amongst other things, a satisfactory standard of internal accommodation and external space.

Cycle-parking

15. The Council has raised concerns that the scheme does not make any provision for sheltered-cycle parking, which would as a consequence result in over reliance on the private motor car.

16. Whilst I recognise that there may be the potential for such a facility in the front and rear gardens, there are no details before me of how this might be designed and accessed. As a consequence, I am unable to conclude whether there would be sufficient remaining amenity and refuse space for future occupants and neither am I able to assess whether such a structure, if erected in the front garden, would have an acceptable impact on the character and appearance of the area. In view of this, I consider it necessary that such information should be provided upfront and not left to planning condition.

17. In the absence of evidence demonstrating that an acceptable cycle-parking facility can be provided, I conclude that the scheme would not sufficiently promote sustainable transport solutions or diminish the reliance of future occupiers on the private motor car. The proposal would therefore conflict with Policy LP23 of the Local Plan and Policy 6.9 of the London Plan, which

[5] Technical housing standards – nationally described space standard, Department for Communities and Local Government, March 2015.
[6] The London Plan, The Spatial Development Strategy for London Consolidated with Alterations since 2011, March 2016.

collectively seek, amongst other things, to ensure that new development provides secure, integrated, convenient and accessible cycle parking facilities.

Highway and pedestrian safety and whether the proposed parking levels are appropriate

18. Although the Council is concerned that the one off-road parking space provided in the front garden would result in movements over the footpath and be unsafe for pedestrians, I am not of the view that this would be any more intensive or unsafe than the existing use of the building which utilises the same parking space. I also found there to be sufficient visibility in both directions at my site visit to enable a driver to see oncoming pedestrians when using the off-road parking space.

19. The council is also concerned that the provision of one car parking space is insufficient, primarily because the appeal site falls within an area that has a Public Transport Accessibility Level[7] (PTAL) rating of 2, which indicates a poor level of access, and because it considers a car-free development to be inappropriate in terms of amenity and mobility. However, the appeal site is close to Seven Kings railway station, and I found there to be a range of shops, community facilities and services within reasonable walking and cycling distance of the appeal site. As a consequence, I am not of the view that it would be necessary for future occupiers to have, and be dependent on, private cars to meet their day to day needs.

20. However, even if future occupiers did have private vehicles, the property is sited within a controlled parking zone where the on-street parking of cars is regulated by the Council and I note the Local Highway Authority has confirmed that the scheme is not likely to have any significant impact on the area. I am as a consequence satisfied that the Council would have sufficient ability to manage additional on-street parking if this occurred.

21. I also recognise that the street and surrounding area are likely to be well-used in terms of numbers of cars parked on the road, but in my view the proposal would only have a minor impact in terms of overall numbers and parking stress levels would be within acceptable limits.

22. In view of the above, I conclude that the development would not prejudice highway or pedestrian safety or result in inappropriate levels of amenity and mobility for future occupiers. The scheme would not therefore conflict with Policy LP23 of the Local Plan, which seeks, amongst other things, to ensure that new development provides an appropriate level of parking for future occupants and protects on-street parking provision.

23. I also conclude that the scheme does not conflict with Paragraph 109 of the Framework[8] which states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

[7] The Public Transport Accessibility Level (PTAL) is a measure of access to the public transport network. For any given point in London, PTALs combine walk times from a chosen point to the network (stations and bus stops, for example) together with service frequency data at these locations. Each area is graded between 0 and 6b, where a score of 0 is very poor access to public transport and 6b is excellent access to public transport. Transport for London website, 8 January 2020.
[8] National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

Other matters

24. I note the Appellant's frustrations regarding the manner in which the formal application was processed, but this has little bearing on the planning merits of the scheme before me and is a matter between the parties.

25. Given my conclusion below that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.

Planning balance

26. Although the Local Plan and London Plan were both adopted prior to the recently published Framework, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this document and that due weight should be given to them according to their degree of consistency with it.

27. Policies LP5, LP6, LP23, LP26 and LP29 the Local Plan and Policies 3.5 and 6.9 of the London Plan are generally consistent with the Framework insofar as they relate to the main issues of this case. I am also satisfied that the proposal conflicts with the development plan when taken as a whole.

28. The appellant states that government policy seeks the creation of more homes and the retention of the existing building as a single dwelling is contrary to this. However, the national objective to increase the supply of homes does not negate the need to ensure that the right type of existing homes are retained to meet local need.

29. I recognise that the appellant has made a significant investment in refurbishing the existing house and that the scheme would result in the provision of a net additional 2 dwellings. However, it is my view that the public benefit of the additional residential units are outweighed by the social and environmental harm identified above relating to local housing stock, character and appearance, living conditions and cycle parking.

Conclusion

30. Although I have concluded that there is no harm in respect of the main issue relating to highway and pedestrian safety and proposed parking levels, I am nonetheless satisfied that the harm identified in respect of the main issues relating to local housing stock, character and appearance, living conditions and cycle parking are sufficient to still justify dismissal of the appeal.

31. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR