



Appeal Decision

Site visit made on 21 January 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/G5750/W/19/3240290

20 Sheerwater Road, West Beckton, London E16 3SU

- 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 Stephen Brown against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/01567/FUL, dated 4 June 2019, was refused by notice dated 26 July 2019.
 - The development proposed is described as: 'Erection of rear double storey extension 3.0m deep and conversion of existing house into 2 self-contained dwellings: 1x3 bedroom house and 1x1 Bedroom house incorporating front porch'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity and precision, following the receipt of written confirmation¹ from the appellant, I have amended the spelling of his name in the banner heading above.

Main Issues

3. The main issues of this appeal are the effect of the proposed development on:
 - the delivery of housing choice in Newham; and,
 - whether the development provides adequate living conditions for future / existing occupiers, with particular regard to internal habitable space.

Reasons

Housing choice

4. The appeal dwelling constitutes an end terraced house that is located within an established residential area that is characterised by traditional family sized terraced two storey houses with front and rear gardens, modest in size. The appeal proposal to subdivide the property into a 2no. dwellings, comprising one 3no. bedroom house and a one-bedroom dwelling. Currently the existing house comprises of a living room, kitchen / dining room, porch and bathroom at ground floor, with 4 bedrooms, storage area and a bathroom at first floor. The proposal would involve external alterations incorporating a 2-storey rear extension that would extend off the existing rear outrigger into the rear garden

¹ An email received from J & L Planning Services dated 18 February 2020 at 16:44

and an enlargement of the existing front porch. The existing garden would be reduced in size, through a reduction in its width due to the sub-division.

5. As defined in the London Plan 2016 (LonP) more generally across the city, the Borough of Newham has a significant shortage of family sized homes, as well as dwellings of various sizes, types and tenures. This is reinforced through the associated updated Housing Supplementary Planning Guidance 2016 (SPG) to the LonP. The Council is therefore seeking to manage the future subdivision of single family houses. Policies S1, S6 and H1 of the Newham Local Plan 2018 (LP) and LonP Policies 3.3, 3.5, 3.8, collectively encourage high quality developments where homes are not created at the expense of environmental and housing quality and that there should be a mix and balance of housing types as well as a significant increase in family housing, to replace that lost through conversions.
6. To ensure that the Council maintains its stock of larger family houses, LP Policy H4 states that existing 3no. and 4no. bedroom family housing will specifically be protected. The subdivision of 3no. or more bedroom houses may be appropriate where the proposal complies with various stated criteria and subject to the satisfaction of other policies. The supporting text accompanying LP Policy H4 advises that Newham will fail to provide enough family housing if it does not both increase the rate of new provision and hold onto the existing stock of family housing.
7. Policies GG4, H10 and H12 of The Draft London Plan 2019 (the draft LonP) also seek to ensure that more homes are delivered to meet the identified housing needs of each of its boroughs. Additionally, account should be taken of the aim to optimise the housing potential of sites and prevent the loss of existing housing unless it is replaced with the same or higher densities with at least the equivalent floorspace. Furthermore, the National Planning Policy Framework (the Framework) aims to support the Government's objective of significantly boosting the supply of homes through strategic policies, informed by a local housing need assessment.
8. It is evident from the policies listed above that there is a specific identified and up-to date need to provide additional family housing and to protect existing 3no. or more bedroom houses, to meet an identified need within the Council area. Whilst the conversion of existing larger homes is permitted, this is subject to certain criteria. In this instance, the proposed development does not comply with all of the criteria set out in LP Policy H4. As the host dwelling comprises a large family dwelling house for the purposes of LP Policy H4, the resulting new unit will not be a 4no. bedroom plus family unit, and would not be accompanied by at least 45 sqm of private amenity space with a minimum width of 4m.
9. I consider that the proposed development would contribute to the imbalance of the supply of larger family housing in the Council area, and thus, would undermine the Council's strategic aims and objectives that seek to address the identified housing needs in Newham. Although the development delivers an additional smaller home, and a 3no. bedroom house, in the absence of any evidence to the contrary, this should not be at the expense of a larger house for which there is a defined local need.
10. For these reasons, I conclude that the proposed development would be detrimental to the delivery of housing suitable for family occupation in the

Council area. It would therefore conflict with the housing choice aims of LP Policies S1, S6, H1 and H4, LonP Policies 3.3, 3.5, 3.8, 3.14, the draft LonP Policies GG4, H10 and H12, the SPG and the requirements of the Framework.

Living conditions

11. Concerns have been raised in relation to the proposed size of the 3no. bedroom house and to the amount of daylight / sunlight that would be received internally by the one-bedroom unit. The Technical Housing Standards² (the THS) contains several dimensions for new residential properties at Table one, on page 5 of the document.
12. The 3no. bedroom dwelling would comprise of two of the existing bedrooms at the host dwelling in bedrooms one and two, and the formation of bedroom three. Bedroom one is listed as 7m² and bedroom two is listed as 9m². No dimensions are listed for bedroom three. However, the Council consider this room to measure 10.5m², which is not disputed by the appellant. There is no indication on the submitted details to the proposed occupancy level, but the appellant does refer to the proposal to be a family unit, which I find would likely result in at least one of the bedrooms being used as a double room.
13. In any event, the THS and the draft LonP Policy D4 require that a dwelling with two or more bed spaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Although, bedrooms one and two are as existing, the proposed subdivision would result in none of the proposed bedrooms in the 3no. bedroom house being of a suitable size for a double room, contrary to the guidance in the THS. Additionally, the Council have raised concerns regarding the overall Gross Internal Area (GIA) that would be provided in the 3no. bedroom house. If the lowest amount of proposed accommodation is considered, where one of the bedrooms would form a double or twin room, creating a 3no. bedroom, 4no. person unit, 84m² of GIA would be required. The Council consider that the proposed 3no. bedroom house would amount to 71m² of GIA, which is not disputed by the appellant. In the absence of any evidence to the contrary, given the shortfall in proposed GIA and proposed bedroom sizes, I find that the proposed 3no. bedroom house would provide an insufficient level of internal accommodation for its occupiers.
14. Regarding the one-bedroom property, I note that the Council raises no concerns to the overall size of the proposed house. Given the details before me, and the lack of any evidence to the contrary, I agree with this observation. Nevertheless, concerns have been raised in respect of the quality of internal accommodation that would be provided for future occupiers of this property, regarding the amount of natural daylight and sunlight that would be received internally. I note that at first floor, both the bedroom and bathroom would have their own windows, and given their size, I find the proposed openings would be sufficient for these rooms. However, I consider that the kitchen / living room at ground floor would not be well served by natural daylight or sunlight, given the proposed length of the room and the orientation of the double doors on the proposed rear elevation. Whilst, a small window would be installed on the ground floor front elevation, this would not provide sufficient mitigation, to outweigh the harmful living conditions experienced by future occupiers of the proposed one-bedroom house, particularly at ground floor.

² Technical housing standards – nationally described space standard, March 2015

15. For these reasons, I conclude that the proposed development would be detrimental to the living conditions of future / existing occupiers. It would therefore conflict with the living condition aims of LP Policies S1, S6, SP2, SP3, SP8 and H1, LonP Policies 3.5, the draft LonP Policies GG4, D4, the SPG, the THS and the requirements of the Framework.
16. LP Policy SP1 and Policy D1 of the draft LonP have been cited by the Council in its decision notice. However, these policies appear to relate to place making and the character and capacity for growth respectively. Therefore, I find these policies not directly applicable to the case before me.

Other Matters

17. My attention has been drawn to various appeal decisions in the Officer Report. However, relatively little detail has been provided regarding the particular planning backgrounds to these schemes. Without such information a full and detailed comparison between these schemes and the case before me cannot be drawn.
18. I have also had regard to various other matters raised by the appellant, including the submission of a letter³ outlining the medical conditions experienced by Mr Brown. However, whilst I have sympathy for Mr Brown, on the evidence before me, it is not a reason to grant permission in the face of the harm identified. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

19. Given my findings above, the proposed development would result in the loss of a larger family dwelling where there is an identified need, and would provide less than satisfactory living conditions for the occupiers of both houses, which would conflict with parts of the social objective set out in paragraph 8 of the Framework. Thus, the proposal does not constitute sustainable development.
20. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR

³ Oxford Health, NHS Foundation Trust dated 17 July 2019