



Appeal Decision

Site visit made on 24 February 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/G5750/W/19/3242414

83 Mitcham Road, East Ham, London, E6 3NG

- 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 Mike Sangar (John Farquharson Partnership) against the decision of the Council of the London Borough of Newham.
 - The application, Ref 19/01916/FUL, dated 26 June 2019, was refused by notice 20 August 2019.
 - The development proposed as described on the application form is new studio flat at second floor.
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Decision

1. The appeal is allowed, and planning permission is granted for a new studio flat at second floor, at 83 Mitcham Road, East Ham, London, E6 3NG, in accordance with the terms of the application 19/01916/FUL, dated 26 June 2019, and subject to the following conditions:
 - 1) The development, hereby permitted, shall begin not later than three years from the date of this decision.
 - 2) The development, hereby permitted, shall be carried out in accordance with the following approved plans: Drawing Nos: 4230/01, 4230/04, 4230/05, 4230/06.
 - 3) The materials to be used in the construction of the external surfaces of the development, hereby permitted, shall match those used in the existing building.
 - 4) Prior to the first occupation of the studio flat, hereby approved, details for the storage of 1 bicycle within the site shall be first submitted to and agreed by the local planning authority. The space shall thereafter be kept available for the parking of a bicycle.
 - 5) Prior to the first occupation of the studio flat, hereby approved, access to off street parking provision for one motor vehicle shall be created as shown on drawing no. 4230/01. The access and off-street parking provision shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
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Procedural Note

3. The delegated officer report refers to a number of existing Velux rooflights located within the roof that are not depicted on the submitted plans. The report suggested that this omission led to confusion as to the nature of the proposal. However, the proposed plans do not show any rooflights in the roof space. For the avoidance of doubt, the decision is based on the proposed plans before me which depict how the proposal would appear upon completion of the scheme. Should the appellant seek to make any amendments or revisions to those plans, including retention or insertion of Velux windows, that would be a matter for the Council to consider.

Main Issues

4. The main issues are:
 - 1) The effect of proposal on the living conditions of the occupants with particular regard to ceiling height, internal storage space and outdoor private amenity space;
 - 2) Whether the proposed development would include adequate measures to facilitate sustainable travel choices, with particular regard to the provision of cycle parking and storage.

Reasons for the Recommendation

5. The property is a four-storey building located on the corner of Mitcham Road and Sandford Road. The ground and first floors accommodate three flats.

Living conditions

6. The Government in 2015 published the 'Technical housing standards – nationally described space standard', (NDSS), this provided relevant and up to date guidance regarding the space standards for new residential development. In addition to this, the London Plan (2016) sets out the requirements for these national standards to be met for all new residential developments. Policy H1 of the Newham Local Plan (2018) (NLP) requires that all new homes should meet with these standards. It is recognised that the status of the Draft London Plan (2019) (DLP) is now before the Secretary of State and therefore similar Policies within the DLP are considered to be given moderate weight only as its status could still be subject to change. Given this, the operative Policy is the 2016 adopted LP. Within the adopted LP, Table 3.3 sets out the minimum gross internal floor area (GIA) for studio flats, which is 37m², of which the proposed development at 44m² exceeds. Additionally, it sets out the nationally described space standards for the minimum floor to ceiling height. This standard sets a minimum ceiling height of 2.3 metres for at least 75% of the GIA. The Council indicate that the floor to ceiling height is 2.2 metres and despite the insertion of the proposed dormer windows, the proposal would not meet with this minimum requirement.
7. Having regard to the existing plans which the Council note contain inaccuracies, I noted that the existing second floor accommodation is annotated as *unused roof space*. From my observations of the internal building I was able to see that the second floor had previously been set out as living accommodation and this would tally with the Council's comments regarding the appeal properties planning history in that the second floor had previously been

- used as accommodation. Nevertheless, having regard to the details of the proposal before me, and having observed the internal area, it is my opinion that the proposal would provide practical, convenient and suitable living accommodation. In technical terms the proposal does not meet with the required standard for head height, however in practicable terms I consider that the failure in terms of its floor to ceiling height is only marginal and overall the accommodation would provide suitable, convenient and useable living space which is neither cramped nor impracticable. Light would be provided by the two dormer windows and the additional window in the flank wall. The internal accommodation would therefore receive adequate daylight penetration, ventilation and cooling, and provide a good sense of space. The Council acknowledge that open plan living would likely provide the ability for storage to be incorporated within standalone furniture and I would agree with this.
8. The proposal shows that there is no provision for private outdoor amenity space despite standard 26 of the LP Housing Supplementary Planning Guidance (2016) SPG, recommending that a minimum of 5m² of private outdoor space should be provided for a 1-2-person dwelling. Notwithstanding this, the guidance does recognise, as a result of site constraints, that it may not always be possible to provide this outdoor space. Given that the accommodation is in the roof space of a four-storey building, it is not uncommon for this type of accommodation not to have its own access to or the ability to create its own private outdoor space. In my opinion this presents as a specific site constraint which the SPG accepts that in these circumstances the equivalent outdoor space may instead be provided as additional internal living space, with this area being added to the minimum GIA. In light of this, the required outdoor space would be accommodated within the overall GIA which, according to the Council's calculations would provide 44m² GIA. The additional internal space over the minimum requirement of 37m² GIA therefore compensates for the lack of outdoor amenity space.
 9. In addition to this, the appeal building is located within reasonable walking distance to a large recreational open space, namely Central Park which is located on Rancliffe Road. Whilst I appreciate that this outdoor space would not be wholly private, it would be within a 10-minute walking distance which I would consider is a reasonable distance away.
 10. In light of the above findings whilst the proposal would marginally fail to comply with technical standards contained within the NDSS, the requirements set out within Policy 3.5 of the LP and Policy H1 of the NLP, which seek to provide a minimum technical standards for floor to ceiling heights, internal storage and private outdoor space, given that the internal space would provide suitable, convenient and useable living space would allow justifying making a decision other than in accordance with these policies and guidance requirements. Given that the proposal contributes to and respects the existing uses of the area and would allow occupants to enjoy a sense of place in which they are free to move easily, alongside the development responding to local distinctiveness, it accordingly accords with Policies S1, S2 and S3 of the NLP and The National Planning Policy Framework (the Framework).

Sustainable travel

11. The LP seeks proposals to consider a range of sustainable transport methods including walking, cycling and using public transport. This is to encourage

sustainable modes of transport and to reduce journeys taken by the motor vehicle and also to prevent excessive car parking provision in streets that are already congested.

12. The Council note that the area has been rated as 2 by The Public Transport Access Link (PTAL) which states links to public transport could be better. Having observed a number of public transport links within walking distance of the appeal site namely regular bus services taken from High Street and other surrounding roads and the site is also in reasonable distance to East Ham tube Station, all of which are considered to provide good links to alternative modes of public transport.
13. The proposal as submitted shows no provision for onsite cycle storage and this the Council note would discourage users from using alternative sustainable modes of transport such as cycling. However, the area to the rear of the appeal building which is shown as being within the curtilage of the application site can be accessed via an external pedestrian gate located along the side of the property fronting Sandford Road. Access via this gate would allow access to the rear and space to provide a secure bicycle storage area. It is considered that there would be sufficient space within the curtilage of the application site to accommodate a bicycle store and this provision could be covered by a condition.
14. The Council note that there is an existing dropped kerb to the side of the appeal property and the drawings submitted show provision for off street parking for one motor vehicle. Whilst I agree with the Council that vehicle access to the rear garden cannot be provided until the boundary wall is removed this could be provided and secured by way of a condition.
15. I conclude on this main issue that the proposal would include adequate measures to facilitate sustainable travel choices, with particular regard to the provision of cycle parking and storage, it would also provide adequate off street parking, accordingly it complies with, Policy 6 of the LP, Policies SP1, SP2, SP3, INF2 and SP8 of the NLP and The Framework which overall seek development to promote and have access to sustainable transport measures , reduce reliance of the motor vehicle and prevent excessive car parking in areas that are already congested.

Conditions

16. I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the area.
17. In the absence of any proposed condition by the Council to secure the bicycle storage facility, I have considered that storage for 1 bicycle would be considered reasonable and necessary to promote neighbourliness and promote sustainable transport. The details are to be agreed by the Council prior to first occupation of the studio flat hereby approved.
18. A condition has been attached to provide access to the rear of the property for one motor vehicle prior to the first occupation of the studio flat hereby approved. It is considered that this is reasonable and necessary to ensure that adequate off-street parking is provided.

Conclusion

19. For the above reasons, and having taken all other relevant matters into account, the material considerations in favour of the proposal justify taking a decision which is not in accordance with certain provisions of the LP and the NLP. Having regard to the NLP, LP and the Framework as a whole and the approach in the Framework, I conclude that the appeal should be allowed subject to the conditions attached.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR