
Appeal Decision

Site visits made on 28 January & 10 March 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/W5780/W/19/3239909

40 Hamilton Avenue, Barkingside, Ilford IG6 1AE

- 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 Lateef against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3352/19, dated 12 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is use of property as four self-contained flats (3 x 2 bedroom and 1 x 3 bedroom).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown on the planning application form and the Council's decision notice both refer to 'retention'. However, Section 55 of the Town and Country Planning Act 1990 describes 'development' as, amongst other things, the making of any material change in the use of any buildings and not as the 'retention' of a use. I have used the description shown on the Council's decision notice in the banner heading, with the word 'retention' removed, because it is more precise than that shown on the planning application form.
3. I have determined the appeal on the basis of the change of use that has already begun.

Main Issues

4. The main issues are:
 - the effect of the loss of a large dwellinghouse on the housing stock in the area; and,
 - the effect of the development on the living conditions of occupiers, with particular regard to internal floor space; natural light and outlook for Flat A; and the provision for external amenity space for Flats C and D; and,
 - the effect of the development on the character of the area.

Reasons

Housing stock

5. Policies LP5 and LP6 of the Redbridge Local Plan 2015 – 2030 (the RLP) set out a need for more larger family sized homes (three bed plus) in the borough and that conversion to smaller residential units are supported only under 6 specific criteria, including that it is located in a Metropolitan, District or Local Centre.
6. The submitted plans show that prior to the change of use to 4 self-contained flats, the property was a single dwelling house with 3 or more bedrooms. It is therefore a larger home for the purposes of Policy LP6.
7. The appeal site is located in a residential area which is not within a Metropolitan, District or Local Centre. Therefore, the conversion of the larger dwellinghouse into smaller self-contained flats conflicts with Policy LP6 criterion (a).
8. Furthermore, the development is contrary to Policy LP6 criterion (f), which requires the conversion to provide at least one larger sized home of 74 square metres (3 bed plus) on the ground floor with access to a dedicated rear garden of the converted home.
9. The proposal therefore results in the loss to the housing stock of a large family dwellinghouse in an area where the Council is seeking to retain such properties. It is contrary to Policies LP5 and LP6 of the RLP, which seek to ensure a range of homes that contribute to the creation of mixed, inclusive and sustainable communities; and that conversions of large houses that result in smaller homes are supported only in defined Metropolitan, District or Local Centres.

Living conditions

10. The Technical Housing Standards – Nationally Described Space Standard (the NDSS) and Policy 3.5 of the London Plan 2016 (the LP) include minimum size standards for residential units. Policy LP29 of the RLP states that the Council has adopted the NDSS and all proposals for housing development will be required to comply with the national standards.
11. The officer's report shows that all of the flats have gross internal floor areas (GIA) below the NDSS. In particular, the GIA measurements in the officer's report show that Flats C and D have GIAs significantly below the minimum size standards in the NDSS: Flat C has a GIA of around 43 square metres against the NDSS of 61 square metres; and Flat D has a GIA of approximately 65 square metres against the NDSS of 84 square metres. The appellant has provided no evidence that disputes the measurements provided by the Council. All of the flats are insufficient in size and fail to provide comfortable living space for occupiers for day-to-day living activities. The flats are cramped and they do not provide a high standard of residential accommodation.
12. Policy LP29 of the RLP states that the Council will ensure that new development will provide external private and/or communal amenity space. In respect of flatted development, it seeks a minimum amount of communal amenity space of 5 square metres per unit. The occupiers of upper floor Flats C and D do not

have access to the garden at the rear of the site, which conflicts with Policy LP29. This exacerbates the sub-standard nature of the accommodation for occupiers of the flats.

13. The Council has also raised concerns in respect of natural light and outlook to the kitchen/living room of Flat A on the ground floor. I observed that the space is served by 2 rooflights, which provides adequate levels of natural light. Nevertheless, whilst the bedrooms are served by windows to the front and rear, the main living area is positioned in the middle of the building and so there is limited outlook. The main living area therefore feels enclosed and oppressive.
14. For the above reasons, I conclude that the development is harmful to the living conditions of occupiers. The proposal is therefore contrary to Policies LP26 and LP29 of the RLP, which, amongst other things, require that development provides high standards of housing accommodation in terms of internal and external space. The proposal is also contrary to Policy 3.5 of the LP, which requires that minimum space standards are met.

Character of the area

15. Hamilton Avenue is located in an established residential area, which predominantly consists of 2 storey terraced and semi-detached dwelling houses.
16. The development involves no external alterations to No 40 and therefore the semi-detached character of the building is unaffected. The only discernible change to the appearance of the appeal site would be additional refuse bins stored to the front. This is not a significant alteration and I note that the Council has not raised any objection in this respect. A planning condition could be imposed on any grant of permission to require details of refuse storage.
17. The pre-existing single dwellinghouse has potential to generate a significant level of activity due to its large size. Whilst the proposal has increased the number of units, it does not result in an increase in the amount of residential floor space. There is no substantive evidence before me to show that the development has caused a material increase in activity or disturbance.
18. For the reasons given above, I conclude that the development has not had an unacceptable effect on the character of the area. It therefore accords with Policies LP6 and LP26 of the RLP insofar as they seek to ensure that proposals respect and integrate with local character.

Other Matters

19. The Council states that the development is located within the 3km Epping Forest Special Area of Conservation ('EFSAC') Zone of Influence. EFSAC is a European site which is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Regulation 63(1) of the Habitat Regulations indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.
20. I have had regard to the concerns raised by local residents, which, in addition to the above matters, raise various issues including: no provision for wheel

chair access; pollution; strain on infrastructure; potential for flooding; no fire escape; nowhere for storage; increase in traffic; not enough available street car parking; and, no provision for cycle parking. However, as I find the development unacceptable for other reasons, these considerations would not alter my decision.

Conclusion

21. Whilst I have found that the development has not had an unacceptable effect on the character of the area, it has resulted in the loss to the housing stock of a large family dwelling in an area where the Council is seeking to retain such properties. Furthermore, the development provides substandard residential accommodation, which is harmful to the living conditions of occupiers. For these reasons, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR