



Appeal Decision

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 June 2020

Appeal Ref: APP/G5750/W/20/3245998

106 Lonsdale Avenue, East Ham, London E6 3JX

- 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 Amos Fifo against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/01523/FUL, dated 28 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is conversion of an existing house to form 1x4-bed, 5-person family unit and 1x1-bed studio unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In response to travel restrictions previously in place due to the COVID-19 pandemic I considered that this appeal could be determined without the need for a physical site visit. That remains the case notwithstanding the subsequent relaxation of some travel restrictions. This is because I have been able to reach a decision based on information already supplied and publicly available. Both the appellant and the Council have been given an opportunity to provide comments on this approach and I have taken any responses into account.

Main Issues

3. The main issues are the effects of the proposed development upon:
 - The living conditions of future occupiers of the proposed development, with particular regard to internal accommodation and private outdoor amenity space;
 - The supply of larger family dwellings across the Borough of Newham; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Living conditions – internal accommodation and external amenity space

4. The Council's concerns regarding the quantity and quality of internal accommodation relates to both of the proposed flats. With regard to the proposed studio flat, it is not clear whether the appellant envisages it as being a 1-bed / 1-person (1b1p)¹ or 1-bed / 2-person (1b2p)² apartment. Although the submitted plans show a single bed space on the floorplans, the layout of the studio flat allows for flexibility and, given the stated floor areas, is capable of occupation as 2-person

¹ As intimated in the Statement of Case at paragraphs 4.27 and 4.28

² As stated in the Design and Access Statement

accommodation. In reaching this conclusion I have noted the basis for the Council's concern regarding the ambiguity in the potential occupancy of the proposed studio unit.

5. The studio apartment is, in some respects, something of an anomaly in terms of the provisions of the '*Technical housing standards – nationally described space standard*' (NDSS). Setting aside the access stairs from ground floor, the studio flat would provide accommodation at first (small landing and bathroom) and second (main open-plan living area) floors, thereby providing accommodation across two storeys. As such, the NDSS seeks to secure a minimum gross internal floor area of 58m², which it is agreed that the proposed studio unit falls short of.
6. However, the flat is capable of occupation as a 1b2p unit, and thus the shortfall in overall floor area would be compounded by the sloping roof of the front portion of the flat. As a consequence, the extent of usable floor area would be constrained by the fall of the roof and would not comply with the NDSS's requirements regarding floor to ceiling heights. Neither the Council's calculations regarding floor to ceiling heights, nor the proportions of the floor area with floor to ceiling heights that fall short of the NDSS requirements are disputed by the appellant. It has not therefore been satisfactorily demonstrated that the studio flat would provide an acceptable quantity or quality of living accommodation.
7. With regard to the ground / first floor flat, the floorplans are annotated with the floor area figure for some, but not all, of the rooms. The appellant has not disputed the Council's calculation regarding gross internal floor area for a 4b-5p two storey dwelling which concludes that it too falls short of the NDSS. Nor have I been presented with any further submissions to lead me to doubt the Council's conclusions in this respect. It has not therefore been demonstrated that this element of the proposal would provide appropriate or acceptable internal living accommodation. Furthermore, whilst there is an under-stairs cupboard shown in respect of flat 1, it has not been demonstrated that the proposal would provide sufficient storage provision in line with the NDSS. Together, these factors lead me to conclude that the proposal would fail to provide adequate quantity or quality of accommodation in respect of both flats 1 and 2.
8. Turning to the matter of outdoor amenity space, NLP policy H1 recognises the need to provide adequate external private open space for all new homes. The policy does not distinguish between those houses intended as family housing or smaller houses in terms of the provision of external private open space. The upper floor flat would not have access to the rear garden area, access to which would be solely for occupants of the ground / first floor flat.
9. Although the front forecourt area provides some outdoor space which could be accessed by the occupier of the studio flat, it would be neither usable nor private. A 'Juliet' balcony at dormer roof level of the upper floor studio flat would provide an outlook to the rear but would not provide any outside space. I have not been directed towards any policy or supplementary guidance that identifies single-person accommodation as appropriate without any outdoor amenity space and, whilst my attention has been drawn to nearby parks and playing fields³, these would not provide a suitable alternative for the external private amenity space lacking in respect of the proposed studio flat in the context of an area confirmed by the Council to be deficient in the provision of small, local and metropolitan parks.
10. The proposal would not, for the reasons I have set out, provide the high-quality housing sought by the NLP. Both flats arising from the sub-division would provide

³ Roman Road Playing Fields and Central Park

sub-standard internal living accommodation by falling short or barely satisfying minimum criteria regarding the quantum and quality of internal living accommodation. Furthermore, the studio flat would have no access to private outdoor amenity space. The proposal would therefore be in conflict with the broad strategic aims and detailed provisions of NLP policies S1, S6, SP2, SP8 and H1 which together seek to secure improved and high-quality housing, and housing with adequate provision of private amenity space. In this respect, the proposal would also be contrary to the aims of the Framework in seeking high quality development and housing that meets the needs of all groups of society, including those with special requirements. In reaching this conclusion I have also had regard to the guidance provided by the Housing SPG and the NDSS.

Supply of larger family dwellings

11. Newham Local Plan (NLP) policies S1 and H1 seek to secure a broad mix and balance of house types and sizes. NLP policy H4 specifically seeks to protect larger family homes, with subsequent design and technical criteria relating to 3+ bedroom and 4+ bedroom properties. The supporting text to these policies notes the importance of preventing the loss of residential floorspace and the protection of family housing but also goes on to acknowledge the benefits that the sub-division of larger properties can generate in terms of boosting housing numbers and providing cheaper accommodation.
12. The proposal would not result in the loss, *per se*, of a larger family dwelling. The existing dwelling provides residential accommodation across ground, first and second floors, with a total of five bedrooms. Although the proposal would create a smaller dwelling on the ground and first floors, it would nevertheless retain four bedrooms. And, with direct access to the private rear garden area from this unit, it would remain capable of family accommodation with access to adequate outdoor amenity space.
13. However, the proposal would fail to ensure that all resulting new units are 4 (or more) bedroomed dwellings. Furthermore, with no access to private amenity space, the upper floor studio unit would fail to provide at least 45 square metres of such space for all dwelling units. The proposal would fail to protect existing housing stock in a manner conversant with the Council's aims of providing an appropriate mix and balance of house types and sizes to cater for the needs of different groups, including families with children, and as set out in the Framework.
14. Whilst it would create an additional unit of housing, this should not come at the expense of the quality of the resulting housing which is, as I have concluded, what would occur. The proposal is therefore contrary to NLP policies H1, S1 and H4(2)(b) and with London Plan policies 3.3, 3.5 and 3.8. Nor would the proposal benefit from the support offered to the sub-division of 3+bed houses provided by NLP policy H4(2)(a). The benefit of the provision of an additional dwelling unit is moderate and does not outweigh the harm to housing supply, or the other harm in respect of living conditions, set out above.

Living conditions – noise and disturbance

15. The existing dwelling currently has five bedrooms and, with access to a rear garden area, provides accommodation capable of occupation by a larger family unit. As such, it is likely that it could already result in a reasonable degree of comings and goings associated with a larger or extended family. Nor would the proposal result in a numerical increase in the number of bedrooms within the unit.
16. However, those five bedrooms would be split across two household units as a consequence of the proposed development and so patterns of movement may

differ from those associated with a single dwelling, even a larger one such as No. 106. I am not persuaded however that the proposal would result in a materially harmful increase in noise or comings and goings, particularly given the limited scale and quantum of living accommodation proposed within the studio flat.

17. The publicly available evidence suggests that Lonsdale Road is a typical residential terraced street situated on a bus route. Although I appreciate that the images provided by 'StreetView' present only a snapshot in time of the street's character, that is no different to the sensations experienced during the course of a physical visit to the site. The evidence does not imply Lonsdale Road to be a quiet or tranquil suburban backwater and I do not consider that the proposal, entailing the sub-division of the property and the introduction of a small studio flat with no net increase in the number of bedrooms, would increase the level of comings and goings or noise disturbance to an extent that would cause material harm to the living conditions of occupiers of neighbouring properties. Nor am I persuaded that matters such as the duplication of domestic goods as washing machines or tumble dryers within the building envelope could not be adequately or appropriately controlled by planning condition. For these reasons, I conclude that the proposal would not cause material harm to the living conditions of occupiers of neighbouring properties through noise and disturbance, or the comings and goings of residents. The proposal would not be in conflict with NLP policies S1, S6, SP2, SP8 and H1 which together seek to secure improved and high-quality housing.

Conclusion

18. The proposal would provide an additional home through the sub-division of the existing 5-bed dwelling into a 4-bed ground / first floor flat and a studio flat at first / second floor levels. Although the need for additional housing is noted in the London Plan, and the proposal would draw some support from London Plan policies 3.3, 3.5 and 3.8 in this respect, the NLP recognises the need to achieve balanced communities, including through the retention of existing larger family housing.
19. The proposal would not cause harm to the living conditions of occupiers of neighbouring properties and would result in a net increase of one dwelling unit. However, the proposal would cause harm in terms of living conditions of future occupiers of the proposed dwelling units and to the supply of larger housing across the Borough and, for the reasons set out and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR