



Appeal Decision

Site visit made on 9 June 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2020

Appeal Ref: APP/U5930/W/19/3242826

17 Grove Green Road, Leytonstone, E11 4EG

- 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 Tahir Zaman against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref: 192750 dated 17 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is described as Conversion of property into 2 x 2-bedroom self-contained flats at 17 Grove Green Road, London, E11 4EG.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The existing plans before me show the appeal site as a 5-bedroom dwelling, with two-bedrooms on the second/loft floor. However, at the visit some works had been undertaken to the property and the second/loft floor comprised a single room only.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the supply of family housing in the Borough;
 - the living conditions of the future occupiers of proposed flat 1 with particular reference to daylight and outlook, and flat 2 with particular reference to the provision of internal and external space; and,
 - the character and appearance of the host dwelling and the area.

Reasons

Family housing

4. The appeal site comprises a terraced dwelling over four floors. The space in the loft/roof space served by dormer windows, and a basement floor looks onto the rear garden. Overall, whether the appeal site is considered a 4 or a 5-bedroom dwelling, it provides a good level of accommodation for a family. Therefore, by converting the dwelling to 2 no. 2-bedroom flats as set out on

the plans before me, the development would result in the loss of a family size dwelling (defined as having 3 bedrooms or more).

5. Paragraph 7.1 of the pre-text of Policy DM6 of the Development Management Policies Local Plan (2013) (the DMPLP) explains how the Council aims to create mixed and balanced communities by providing a range of house sizes and preventing the loss of larger family-sized homes to smaller homes. In order to help achieve this Policy DM6 A) precludes the conversion of a larger home into smaller homes where (amongst other things) it is located within a restricted dwelling conversion ward. Grove Green Ward is a ward where it is identified there is an overconcentration of such accommodation. Paragraph 7.8 of the text for DM6 explains how a previous decline in housing stock for larger households (4+ people) has declined driven by a high level of conversions into smaller units, but demand for family housing remains relatively high.
6. There appears to be some similar developments nearby. The proposal would alter the mix of housing provided and increase the number of households being able to be accommodated at the appeal site in a manner that efficiently uses the existing space. However, retaining the existing family dwelling stock is an essential element of providing enough family housing in the Borough. There is no substantive evidence provided of a shortfall of smaller units in the local area, that would outweigh the loss of a family dwelling. The development would contribute further to the shortfall in family housing and undermine the objective to ensure a sufficient range of housing types.
7. For the reasons set out above, the proposed development would result in harm through the loss of a family dwelling. It would therefore, conflict with Policy DM6 of the DMPLP which seeks to prevent the loss of larger family-sized homes to smaller-sized homes. In this respect, the proposal would also conflict with the social objectives of the National Planning Policy Framework (2019) (the Framework) in relation to support for strong, vibrant and healthy communities, including by ensuring a sufficient number and range of homes.
8. The Council has referred to Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) (the CS) and Policy DM23 of the DMPLP. However, these policies specifically relate to promoting health and well-being and how the Council will aim to create and develop health and sustainable places and communities. Therefore, these are of less relevance to this issue.

Living conditions

9. Flat 1 would occupy the basement and ground floor levels. It would provide approximately 83 square metres (sqm), meeting the space standards in the table 8.1 to Policy DM7 of the DMPLP. However, the window serving the front bedroom would be a new bay window, with an outlook into a newly created below ground level void. The outlook would only be short to the approximately 3m high retaining wall up to a metal grille. This would result in a very limited amount of daylight and a poor level of outlook, to such a degree that it would provide harmful living conditions to the future occupiers. For this reason, it would conflict with Policy DM32 of the DMPLP which requires new development should provide adequate daylight, sunlight and outlook.
10. Flat 2 would not have access to a private garden or a balcony. Therefore, it could not provide the 20 sqm of outdoor amenity space which must have an element of private outdoor space, required by Policy DM7 and table 8.3 of the

DMPLP. Such external space is necessary to provide functional and relaxation space for residents as part of offering a high quality living environment. The absence of any designated useable and private space on the plans before me, results in harmful living conditions to future occupiers in this regard. Therefore, this would conflict with Policy DM7 of the DMPLP.

11. Flat 2 would provide approximately 66.7 sqm floor space. There is no standard in Policy DM7 for a two-storey two-bedroom three-person home. Flat 2 would be just below the standard (70 sqm) set out in the Technical Housing Standards – Nationally Described Space Standards (2015) (the NDSS).
12. Bedroom 1 would be well sized and there would be a modestly sized kitchen and dining room. Bedroom 2 would provide 16 sqm of floor space, but the dual roof slope significantly reduces the proportion of the room with a sufficient ceiling height. This is particularly the case when considered against the 2.3m height requirement in the NDSS, the London Plan Supplementary Planning Guidance – Housing (2016) (the LSPG) and Policy 3.5 of the London Plan (2016). Much of the ceiling space in Bedroom 2 falls below that height. As observed at the visit, the second floor appeared able to provide a single bedroom. However, with the addition of the bathroom on that floor as shown on the submitted plans, the remaining bedroom space would not be likely to provide satisfactory living conditions in this regard.
13. Insofar as the development does not provide satisfactory living conditions for future occupiers, it would be contrary to Policies CS13 and CS15 of the CS. Amongst other things these require development contributes towards creating a healthy environment throughout the Borough. It would also conflict with paragraph 127(f) of the Framework, which requires that planning decisions should create places that promote health and well-being with a high standard of amenity.
14. The Council has also referred to Policy DM23 of the DMPLP. However, this policy specifically relates to promoting health and wellbeing in relation to major development, links to other uses and facilities, and the location of A5 uses. Therefore, it is less relevant than the policies that I have referred to above.

Character and appearance

15. The dwellings in Green Grove Road exhibit some different materials and window finishes. However, they have a uniformity and rhythm as a consequence of all having a similar two storey window arrangement with bay windows, set in modestly sized front gardens. The development would appear to retain much of this existing character and appearance of the property. However, the new void and grille would be created by a deep excavation in part of the front garden.
16. Due to its low level the new window and grille would generally only be visible when specifically looking into it over the wall or gate from a limited area of the pavement or carriageway. Low level hard features such as drainage covers, and gullies are not untypical features. However, due to the significant size and extent of this metal grille and visibility into the void it would appear unusual, out of keeping and incongruous in relation to the character and appearance of the host dwelling and those nearby. Due to the visibility of the grille and void its effect would be limited. Nevertheless, it would result in some limited harm to the character and appearance of host dwelling and wider area.

17. For the reasons set out above, the proposed development would result in some conflict with Policies CS15 of the CS and DM29 of the DMPLP. Amongst other things, the policies require development to have a high standard of design that reinforces local character. I have noted the Council's reference to precedent. However, as I have found the development to be unacceptable for other reasons, this proposal would not set a precedent.
18. The Supplementary Planning Document 'Urban Design' (2010) (the UDSPD) is referred to in the Council's reason for refusal. However, in the absence of a specific reference to a section in the document, I can find no conflict with the advice. However, this does not alter my finding on the main issue. The Council has referred to Policy CS13 of the CS in its reason for refusal. However, this relates to health and well-being and how the Council will aim to create and develop healthy and sustainable places and communities. Therefore, it is of less relevance than the other policies referred to above.

Other Matters

19. The development would appear to be acceptable in respect of overlooking and privacy, and it appears might be able to provide adequate refuse and cycle storage. Compliance with these policies would be neutral effects. The development might also comply with some aspects of the Framework. However, for the reasons I have set out above, it conflicts with other important policies of the Framework.
20. There would be a short temporary economic benefit through undertaking the conversion and once complete it may result in a small sustained economic benefit to the local economy. The development would appear well located in relation the access to services and facilities. It is understood to be within an area rated 6A for PTAL so would have good links to the wider public transport network. However, the social and economic benefits would be small, and they would not outweigh the harm from the development in respect of loss of family housing, harm to the living conditions of future occupiers and to the character and appearance of the area.

Conclusion

21. The proposed development would be contrary to the development plan and the National Planning Policy Framework and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR