



Appeal Decision

Site visit made on 18 February 2020

by Edward Cousins BA, BL, LL.M, Barrister

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/U5930/W/19/3241553

1 Tennyson Road, London, E10 5JS

- 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 M Yaman against the decision of the Waltham Forest London Borough Council.
 - The application 191236, dated 9 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is described as: Conversion of 3 bedroom single dwelling house into two self-contained flats; construction of two storey side extension, as approved on 17.04.2018 with application number 180380, prior to current application; conversion of the flat roof on top of existing rear extensions into pitched roofs.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In October 2016 the London Borough of Waltham Forest issued a Certificate of Lawfulness for a hip-to-gable roof extension in respect of the appeal site, together with a rear dormer window and front roof lights, under Application Ref: 162741.
3. In April 2018 the London Borough of Waltham Forest granted full planning permission for the construction of a two-storey side extension in respect of the appeal site, under Ref: 180380.
4. Neither grant of planning permission has been implemented.

Main Issues

5. The main issues are:
 - (1) The effect of the proposed development on the provision of single family dwelling-houses in a "Restricted Conversion Ward" within the Borough.
 - (2) The effect of the proposed development on the living conditions for future occupiers, with particular regard to its layout, privacy and the availability of usable and secure private amenity space.
 - (3) Whether sufficient regard has been directed to sustainable travel and cycle parking initiatives and for the arrangements for the storage and collection of refuse.

Reasons

Loss of single family dwelling house

6. The appeal site is a two-storey end-of-terrace single family three bedroom dwelling house situated on the eastern side of Tennyson Road. Tennyson Road is a cul-de-sac leading from Church Road. On the corner of Church Road, and to the south of the appeal site, is a row of garages used in connection with a block of flats to the rear of the appeal site. Between the row of garages and the building currently comprising 1 Tennyson Road lie a side garage extension and a rear extension.
7. The appeal site is not located within a conservation area. It is not listed, and is not subject to an Article 4 Direction, other than change of use from Class C3 to C4 within the local authority area.
8. The proposed development seeks to extend the appeal site to the side and rear in order to create two new three-bedroom family units, one above the other. By so doing, it is said by the appellant that there will be no loss of a family unit. Indeed, the appellant states that the proposed development will provide a net increase in housing stock in that there will be an additional new three bedroomed unit to the Borough's housing stock.
9. However, the appeal site lies within Leyton Ward. Leyton Ward has been identified as a Restricted Conversion Ward as set out in figure 7.1 of the Waltham Forest Development Management Policies Local Plan (DMPLP 2013). Figure 7.1 identifies wards that suffer from an over-concentration of family homes having been converted into smaller self-contained units. Other wards in the south of the Borough have been similarly identified.
10. Policy DM6 (Dwelling Conversions) of the DMPL 2013 provides that the Borough will not permit the conversion of a larger home(s) to smaller self-contained homes in certain specified circumstances. These include (a) where the proposed conversion has a gross original internal floor space of less than 124sqm; and (b) the proposed development lies within a Restricted Conversion Ward. Such designation has been made to prevent the loss of housing in an area of the Borough where there is a perceived need to retain such housing, in the circumstances where there is an over-concentration of family homes converted into smaller self-contained homes.
11. The proposed development would involve the conversion of the single family three-bedroom house thereby creating two new self-contained three bedroom family units. In order to accommodate such proposed alterations, the building would be extended to the side and rear, together with modification of the roof of the rear ground floor and first floor extension to pitch roof design. Furthermore, the proposed development would have a gross original internal floor space of less than 124sqm in that the proposed conversion would have a gross internal floor space of approximately 110sqft (excluding the ground floor extension and side extension).
12. The proposed development therefore fails to comply with Policy DM6 (Dwelling Conversions) of the DMPLP 2013 and CS2 (Improving Housing Quality and Choice) of the Waltham Forest Local Plan – Core Strategy (2012) in that the conversion of a single family three bedroom house into two smaller self-contained three bedroom flats would result in the loss of a larger family

dwelling house (once extended) in a Restricted Conversion Ward. Also, the proposed development fails to comply with Policy DM5 (Housing Mix) of the DMPLP 2013 in which the London Borough of Waltham Forest aims to prioritise the need for larger family homes, particularly in the affordable sector, namely as having three bedrooms or more, at least one of which is a double bedroom being at least 74sqm.

Living conditions – future occupants

13. In respect of internal space standards, although the proposed development would, in principle, comply with the internal space standards for three bedroomed flats, as specified in Policy DM7 (External Amenity and Internal Space Standards), the proposed development would result in a cramped and constrained form of living environment in that it fails to make adequate provision for the living conditions of the future occupiers in the proposed residential units who would feel squeezed into restricted space. This would have an adverse effect on the health and wellbeing of the occupants.
14. As to the sufficiency of external amenity space, Policy DM7 (External Amenity and Internal Space Standards) specifies that a minimum of 10sqm amenity space should be provided per bedroom and each flat should provide an element of external amenity space, which overall can be provided in the form of both private and communal amenity space. It should be well-designed, appropriately located and usable.
15. Although the ground floor flat would have external space in the form of a private rear garden areas of 62sqm to the north, the first floor flat apparently has none and there is no provision for a balcony. Instead, it seems to have been suggested that the amenity space for the first floor flat could be provided by the utilisation of the communal area on the ground floor at the front of the proposed development where it is also proposed that refuse and recycling bins would be stored, together with parking for two cars.
16. If that be the case, such an arrangement would not comply with the requirement contained in Policy DM7 (External Amenity and Internal Space Standards) requires that all homes, including flatted development, should have access to an element of external private space which should be well-designed, appropriately located, easily accessible and usable, and should exclude driveways and parking areas. Common parts to a proposed development would not fall within that requirement. The proposed development therefore would fail to provide satisfactory external amenity space for the first floor flat.
17. Further, such space would be the subject of overlooking from the windows of the reception room and the third bedroom to the ground floor flat, and also from properties on the opposite of Tennyson Road. This would impact upon the privacy of the occupiers of the upper flat in making use of such amenity space.
18. Finally, all the rooms contained in the proposed development would be single aspect. Two thirds of the habitable rooms would face north/northeast, the exceptions being the third bedrooms on the ground and first floor of the proposed development which both have south facing windows. Consequently, overall there would be a lack of daylight to these habitable rooms. In particular, resultant upon the configuration of the proposed development with the wall to the row of garages, there would be no windows inserted in the eastern flank wall for the second and third bedrooms on the ground floor.

Further, the kitchen/dining area on the ground floor would have limited access to daylight and sunlight and would therefore undoubtedly be subject to artificial light and poor ventilation.

19. I note that the appellant has made reference to the Officer's Report having contained inaccuracies as to apparent limitations on light and outlook to habitable rooms in the proposed development. However, irrespective of any such inaccuracies, I have found that the proposed development overall fails to address to provide sufficient natural light to rooms.
20. The proposed development fails to provide adequate outlook, privacy and the usable and secure private amenity space. As a result, the living conditions of the occupants would be significantly adversely affected by a loss of outlook, and a loss of privacy, contrary to Policy CS13 (Promoting Health and Well-Being) and CS15 (Well-Designed Buildings, Places and Spaces) of the Waltham Local Forest Plan – Core Strategy [2012] and Policies DM7(External Amenity), DM23 (Health and Well Being) and DM32 (Managing Impact of Development on Occupiers and Neighbours) of the Waltham Forest Local Plan – Development Management Policies [2013], Department for Communities and Local Government "Technical Housing Standards – National Described Space Standards" – March 2015.
21. The proposed development is at variance with Chapter 12 of the National Planning Policy Framework – "achieving well-designed places". In particular, the development is of poor design, and fails to make adequate provision for the living conditions of the future occupiers.

Sustainable Travel and Cycle Parking Initiatives and arrangements for storage and collection of refuse

22. The proposed development further fails to make satisfactory provision for future occupiers of the two proposed residential units in the circumstances where there are only two available parking places for vehicles. The appellant suggests that on-street parking in Tennyson Road could also be utilised. However, it is apparent that on-street parking in Tennyson Road is already severely restricted in the extent of available space, and the suggestion fails to address the potential lack of sufficient off-street parking arising from the proposed development.
23. The question of cycle parking and the arrangements for storage and collection of refuse have not been addressed by the appellant in that no satisfactory or workable proposals have been suggested to overcome the potential difficulty.
24. Further, there is a conflict as to the possible use of the area at the front of the proposed development for cycle parking and bin storage with its potential use as private amenity space for the use of the upper flat.
25. As a consequence, the proposed development is contrary to Policies CS6 (Promoting Sustainable Waste Management and Recycling), CS7 (Developing Sustainable Transport), CS13 ((Promoting Health and Well Being) of the Core Strategy [2012] and Policies DM14 (Sustainable Transport Network), DM16 (Parking), DM30 (Inclusive Design) and the Built Environment) and DM32 (Managing Impact of Development on Occupiers and Neighbours) of the Waltham Forest Local Plan – Development Management Policies [2013].

Other Matters

26. I have also taken into account the potential benefits of the appeal development and acknowledge that they would meet some of the aspects of sustainable development, as set out in the National Planning Policy Framework (the Framework). An example of this is through the delivery of new homes within an established urban area with access to local services and facilities.
27. Nonetheless, good design is a key aspect of sustainable development as recognised by the Framework. The proposed development would overall fail to satisfy the environmental dimension of the Framework, and would cause harm to the living conditions of future occupiers.
28. I therefore find that the harm arising from the conflict with the Framework and the development plan for the area would be significant and outweigh the positive aspects of the proposal as identified by the appellant. Consequently, the appeal scheme is not the sustainable development for which there is a presumption in favour.

Conclusion

29. Therefore, for the reasons set out above the appeal should be dismissed.

Edward Cousins

INSPECTOR