



Appeal Decision

Site visit made on 14 July 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd August 2020

Appeal Ref: APP/W5780/W/19/3242968

304 Ilford Lane, Ilford, Essex IG1 2LR

- 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 Kensington Investments Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3114/19, dated 5 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is described as the "proposed retention of rear single storey conversion from storage to one bedroom flat".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would provide adequate internal space as required by the technical housing standards - nationally described space standards, March 2015 (the space standards);
 - the effect of the development on the living conditions of occupiers with particular regard to privacy, a legible access, and whether a private amenity space would undermine the use and development of neighbouring open land; and,
 - highway safety.

Reasons

Space Standards

3. The appeal site forms a single storey extension to the rear of a two storey building. The site is currently occupied as residential accommodation in the form of a one bedroom flat and contains a shower room with WC, a kitchen dining area, a living room and a bedroom. The site is accessed off Hickling Road which is shared by the adjacent restaurant and other properties on Ilford Lane.
4. The Council state that the appellant has failed to demonstrate that the accommodation would provide adequate internal space as required by the space standards. The appellant argues that as the accommodation is

furnished, there is no requirement to comply with the space standards as stated at footnote 4¹.

5. However, footnote 4 refers to the minimum gross internal floor areas and storage as indicated at Table 1 of the space standards, and not the entire document. This is clearly indicated by the asterisk in Table 1 and the footnotes that follow the text which state “*Notes (added 19 May 2016):”. Therefore, the accommodation still needs to meet the technical requirements as set out at paragraph 10 of the space standards. In this instance, the appellant confirms that the floor to ceiling height is 2.2m which would not meet the technical requirements of a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area. Moreover, given the unique nature of London, Standard 31 of the London Housing Supplementary Planning Guidance 2016 (the SPG) strongly encourages ceiling heights to be increased to 2.5m.
6. Thus, the proposal would be in conflict with policy LP29 of the London Borough of Redbridge Local Plan 2018 (the Local Plan) and Standard 31 of the SPG which requires, amongst other things, that developments meet the technical requirements of the space standards to ensure satisfactory living conditions for occupants.

Living Conditions

7. The building is dual aspect and contains windows on its side elevation that face into a rear amenity area that belongs to the adjoining property at 306 Ilford Road, which is also in the ownership of the appellant. While I accept that the windows facing into this amenity area could be looked into by users of the space, this is the same for ground floor flats which also share amenity spaces, or properties that are located adjacent to public pavements, which is a common occurrence in urban areas. Thus, although privacy could be compromised, the occupiers of the accommodation have options such as blinds and curtains to overcome such matters.
8. With regard to the access, the Council cite that the industrial appearance of the gates and the lack of a footpath renders it illegible. I acknowledge that the gates are imposing, as they are there to prevent unauthorised access into the rear areas of the properties it serves. Nevertheless, the gates do also provide a pedestrian door and would be familiar to the occupiers of the flat. Thus, I am not persuaded that this is a reasonable reason to resist the proposal.
9. Turning to the use and development of neighbouring open land, the Council argue that should this area become a shared communal space with the occupiers of 306 Ilford Lane, its development could alter this arrangement in the future. While I accept that the appellant owns this land and gives assurances that it would not be developed, there is nothing before me to control such matters.
10. Thus, the development would provide adequate accommodation to meet the needs of occupants in terms of privacy and a legible access. It would not be in conflict with Policy LP26 of the Local Plan which seeks, amongst other things, that developments provide a high standard of accommodation in terms of quality, arrangement and legibility. However, the development has failed to identify an area of private amenity space and thus, would be in conflict with

¹ Page 5, footnote 4 of the space standards

Policies LP7 and LP29 of the Local Plan which seek, amongst other things, to ensure that external amenity space is provided to meet the needs of occupants.

Access

11. Access into the site is via a single lane and is shared with the adjoining restaurant and other properties on Ilford Lane. The access does not contain a dedicated pedestrian footway and therefore, occupiers of the flat would be in conflict with vehicles using the access from Hickling Road and would also need to ensure that the access is clear before proceeding out of the site.
12. The access is narrow and flanked by walls of adjoining properties. Nonetheless, it was clear of obstacles during my visit and one could see through to Hickling Road, which was only a short distance away. Moreover, given that the access crosses a pavement and coupled with its width, I am not persuaded that vehicles would enter the access at speeds other than a crawl. Furthermore, the visibility at Hickling Road allows pedestrians to see if vehicles are entering the site, and therefore would allow safe egress.
13. Thus, I am satisfied that the access would be safe to use by pedestrians and other road users to enter and leave the site. The proposal would not be in conflict with Policy LP26 of the Local Plan which seeks a high quality of design that functions well. The Council also refer to Policy LP23 of the Local Plan, however this is more concerned with providing sufficient parking spaces in new development, and I therefore do not consider it to be relevant in this case.

Other Matters

14. With regard to private amenity spaces, I accept that an area could be fenced off for the sole use of the occupants of the flat, which could be controlled through an appropriate condition. However, for me to consider an alternative layout may in itself fetter the ability of the Council to consider such alternatives should they come forward. I also acknowledge that the site is close to services, amenities and transport links and that the proposal would help to boost the supply of housing in the Borough. However, this does not overcome the harm I have identified above.
15. The appellant states that the Council did not provide an opportunity to overcome potential issues during the application process. Nevertheless, this is not part of this appeal as other mechanisms exist to resolve such matters.

16. Conclusion

17. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR