



Appeal Decision

Site visit made on 13 October 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/G5750/W/20/3254444

200 Romford Road, Forest Gate, London E7 9HY

- 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 Aklak Shahid against the decision of The London Borough of Newham.
 - The application Ref 19/02960/FUL, dated 24 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is Construction of three storey side extension and rear extension to provide additional habitable and amenity space. Extension of existing lower ground floor to the rear to provide additional habitable space. Conversion of loft space into habitable space with front and rear dormer. Reconfiguration of internal space, in addition to the extensions, to provide a mix of flats consisting of 1 x 1 bed 2 persons (duplex), 1 x 2 bed 3 persons (duplex) 2 x studio 1 person (simplex), 1 x 3 bed 4 persons (duplex). Provision of bin storage and cycle parking space at front. Repairs and restoration to the façade, including repainting the stucco elements of the façade and cleaning the facing bricks. Repairs and restoration to the windows to ensure existing and new proposed windows are all in good condition. Repairs to the front wall to bring it in line with the neighbouring front wall and to improve the setting of the building. Landscaping front and rear gardens.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The description of the proposal has been condensed by the Council and described as, '*Proposed three storey rear and side extensions including extension to basement, loft conversion with front and rear dormers to create in total 5 single dwelling units consisting of 1 x 1 bed, 1 x 2 bed, 1 x 3 bed and 2 x studio flats. Provision of bin and cycle parking at the front and external alteration works*'. I concur that this accurately describes the proposal before me.
3. The appellant has included a set of amended plans with the appeal submission. However, I have based my decision on the plans the Council made their decision on.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the future occupiers with regard to outdoor space, daylight and outlook levels.

Reasons

5. The appeal site is located on the south side of Romford Road, close to the centre of Forest Gate. It forms part of a block of imposing three storey early 19th Century villas with a strong vertical emphasis and is identified by the Council as a locally listed building. Therefore the appeal site is a heritage asset. However, there are no objections raised by the Council with regards to the development on the effect on the heritage asset. I find no reason to disagree in this respect.
6. Whilst the proposal entails a significant amount of development, the matters in contention by the parties relate to living conditions of the future occupiers only.
7. Policies H1 and SP8 of the London Borough of Newham Local Plan 2018 (LP), in particular, seeks new development to make appropriate provision for spaces within buildings and this corresponds with the living space standards within the London Plan 2016, the Nationally Described Space Standards (NDSS).
8. The private amenity space for three of the five proposed units at Flat 1, Flat 3, Flat 4 is below the private amenity space levels as set out within the NDSS as they provide no outside space. This is explained by the appellant due to the constraints of the site, although the site benefits from a large rear garden space.
9. The appellant is of the view that a 3 bedroom flat and larger two bed flat with garden space or balcony offers family accommodation and increased floor space, with a justified need for these units to be allocated the garden space or a balcony. I acknowledge that these dedicated areas exceed the NDSS levels for outside private amenity space. However, these matters do not negate the necessity to meet local policy requirements for the other units that have no supply of outdoor space, and thus for them to achieve acceptable standard of living accommodation for the future occupants.
10. Although Flat 1, 3 and 4 are either one bedrooms or studio flats, and whilst the internal sizes may meet the NDSS levels, they are either at the minimum size required to satisfy the standard, or when slightly larger, this increased internal size in my view does not mitigate for the lack of private out door space.
11. Despite the fact that the appellant describes the spaces within the flats as 'well proportioned', are dual aspect, with an acceptable outlook and daylight and sun light levels, and ventilation, none of these attributes convince me that the lack of outdoor amenity space is acceptable. Moreover, the front garden may be available to use for occupiers, this would be a communal space which is not dedicated to a specific flat. Nor would it be a private area as it serves the front of the house and would be prone to the comings and goings of a large number of people.
12. Furthermore, I have been presented with no evidence to demonstrate the 'high quality accommodation' the appellant refers to at their own scheme. The appellant's revised plans submitted with the appeal indicates a balcony at Flat 4 to create private outdoor space and they also comment that West Ham Park is within walking distance to the appeal site. Even with these aspects in mind, it would not overcome the fact that the proposal would not meet policy requirements to provide its own external private amenity space to each unit, to which I apply significant weight to the local and national policies.

13. Another Council decision for a residential conversion and lack of access to outdoor space has been brought to my attention by the appellant and what they consider to be inconsistency of decision making by the Council. The Council justified this decision by explaining that the internal living spaces were large enough to compensate for the lack of outdoor space, and this was further justified as one of the flats far exceeded the required internal space standards. However, and in any event, all the facts of that particular case are not before me. In any event, I have considered the proposal based on the information submitted to me and reached my own conclusion on the matter.
14. Turning to the matter of daylight levels into the lower ground bedrooms and their outlook, the Council's Statement of Case identifies that Flat 2 would experience an acceptable standard of living conditions. From the information before me, I am also satisfied that the living conditions of the occupiers would not be harmed as a result of the proposal.
15. With regards to the existing ground floor (with bedrooms in the lower ground), the outlook from the front bedroom is onto the light court and there is a sense of context as this room can view the front garden space. The daylight and sunlight levels into the front bedroom of the proposed Flat 1 and the vertical sky component would be of very little meaningful difference to the current arrangement. Therefore, I can find no significant difference between the existing situation and the proposed with regards to both outlook and daylight.
16. I therefore raise no concerns in respect of the living conditions of future occupiers of both flats 1 and 2, and find not conflict with local and national policy.
17. However, based on my assessment of the proposal with regards to external spacing standards, it would not be in compliance with the Newham Local Plan 2018 Policies S1, S6, SP1, SP3 and H1 in their collective aims to achieve high quality development, and Policy SP8 in its intention for development to make appropriate provision of space. It would not meet the objectives of the National Planning Policy Framework to create high standards of amenity for future users, and the wider Housing Supplementary Planning Guidance 2016 to ensure an acceptable standard of accommodation is achieved. Finally, it would also not comply with Policy 3.5 of the London Plan 2016 in its purpose for high quality development, Policies GG4, D1 and D4 of the Draft London Plan that emphasise the importance of high quality design in development.

Other Matters

18. I have had regard to the submitted petition of support to the proposal, that there could be benefits to the appeal site by removing the rear fire escape, the extensions would be acceptable to the character of the dwelling and the overall terrace, and I appreciate the appellant's willingness to accept conditions to achieve an acceptable finish to the development. Whilst all these factors weigh in favour of the scheme, nonetheless they do not persuade me to allow the appeal.
19. The proposal may make efficient use of space and I accept it would create additional homes in the area including family accommodation, however the contribution to additional housing numbers would be limited. Overall these matters do not overcome the harm I have identified.

20. The letter of objection is taken into account, however as I am dismissing the appeal, there is no requirement for me to comment on these matters further.
21. There is dispute between the parties with regards to the size of Flat 3. However, whilst this is marginal, it has limited bearing on the overall decision I have reached.

Conclusion

22. In the final balance, I have found no harm in terms of the effect on the outlook and daylight and sunlight levels for the lower ground flats in my assessment. However, the absence of aforementioned harm would not justify the harm identified with respect to the unsatisfactory living environment for future occupiers with regards to lack of private amenity space. The harm in those respects is decisive upon the outcome of this appeal and reflects conflict with the development plan and the Framework that is significant and overriding.
23. For the reasons given above and taking all other matters into consideration, I conclude that this appeal is dismissed.

Alison Scott

INSPECTOR