



Appeal Decision

Site visit made on 6 October 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/G5750/W/20/3250718

121 Forest Lane, Forest Gate, Newham, London E7 9BB

- 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 Abdur Razzak against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/02696/FUL, dated 12 September 2019, was refused by notice dated 24 January 2020.
 - The development is Proposed conversion of a large dwelling into a 2 bedroom flat to ground floor and 2 bedroom flat to first floor. Rear side extension to provide entrance are [*sic*] to flat A. This application follows the guidance of Newham Local plans – the Core Strategy H1 and H3.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has indicated within the appeal submission that they would accept a reduced number of bedrooms to each floor. However, I have assessed the proposal based on the plans the Council have determined the planning application on.
3. There are no issues raised by the parties with respect to the proposed extension to the property.

Main Issues

4. The main issues are:
 - The effect of the proposal upon the supply of housing suitable for family accommodation in the area;
 - The effect of the proposal on the living conditions of the future occupiers; and
 - Whether or not the proposal would give rise to increased noise and disturbance to the living conditions of the neighbouring occupiers.

Reasons

Loss of family accommodation

5. The appeal site is a semi-detached two-storey house located on the north side of Forest Lane along a single sided road opposite the train lines. The dwelling is

intended to be split into two flats of Flat A to the ground floor and Flat B to the first floor together with a small extension, and both flats would be two bedrooms.

6. The Council's Housing Market Assessment 2010 explains that between 2001 and 2009 the dwellings with three or more bedrooms has declined to 52.4% of the housing stock. Policy H1 of the London Borough of Newham Local Plan 2018 (LP) clarifies that the Council's strategic principles are to secure the delivery of a mix and balance of housing types including a significant increase in family housing. Policy H4 seeks to protect and reshape existing housing by, amongst other considerations, to protect 3 bed and 4+ family accommodation. The policies of the LP are consistent with Policies 3.14 and 3.3 of The London Plan 2016.
7. The subdivision of the existing four bedroom family sized house into two smaller flats, both of which would not be suitable for family occupation, would result in an unacceptable and harmful loss of existing family stock contrary to the aforementioned development plan policies.
8. Even though the appellant has provided photographs of houses within close range to the appeal site that they comment have been converted into flats, the planning history of these has not been provided by them. Nevertheless, I have considered the development before me.
9. They have brought to my attention another Inspector's decision within the Borough from 2016 that supported the conversion of a four bedroom dwelling including a three bed self-contained flat. In any event, this decision pre-dates the Newham Local Plan 2018 and provided a three bedroom flat. I apply limited weight to a comparison with the proposal before me.
10. To conclude, the proposal would result in a harmful loss of housing suitable for family occupation in the area. The proposal would not comply with the Newham Local Plan 2018 Policies S1, H1 and H4 to achieve mixed communities and build sustainable communities, and to protect existing housing stock. It would conflict with the Local Plan Evidence Base Private Outdoor Amenity Space and Family Housing 2017 in so far as it seeks to meet the needs of Newham's residents.
11. Finally, the proposal would not align with the National Planning Policy Framework in its aims to achieve sustainable development, or the London Plan 2016, Policy 3.14 to avoid the loss of housing as well as Policy 3.3 to improve housing choice, or policy D1 of the Draft London Plan for Boroughs to understand different areas capacity for growth with regards to housing types. Finally, it would be in conflict with the wider Housing Supplementary Planning Guidance 2016 for the Borough to resist the net loss of housing and to address housing needs.

Living conditions of future occupiers

12. As both flats are intended to be two bedrooms, the layout of Flat A and Flat B should provide 61sqm in size according to the Nationally Described Space Standard (NDSS). Outdoor amenity space would be acceptable sizes to comply with the standard and is not in dispute by the parties. The Council is of the view that the submitted plans indicate that each flat would have a total

floorspace of approximately 54 and 53 sq.m of Gross Internal Area (GIA). These sizes would fall short of the Nationally Described Space Standard.

13. The appellant is however of the view that Flat B would consist of 69sq.m. Regardless of the size of Flat B, the size of Flat A is not disputed by the appellant and therefore it would not provide sufficient living space above the minimum requirements of the NDSS. Bedrooms sizes are also demonstrated by the Council to be largely non-compliant with this standard.
14. The appellant states their willingness to reorganise the space to enlarge the spaces within the habitable rooms. However, I have considered the layout before me. The fact that Wanstead Flats is located close to the appeal site does not negate the fact that the living conditions of future occupiers would be compromised by below standard space. It would therefore not provide a satisfactory living environment for future residents in terms of internal space.
15. Storage is indicated by way of an external space to the rear of the property. The NDSS describes storage as built-in storage areas. Whilst it could support the ground floor flat, it would not practically function as storage for the first floor flat given its location. The lack of internal storage would also contribute to a reduced living space.
16. I therefore find that the proposal would not provide a satisfactory living environment for its future occupiers. The proposal would therefore conflict with the Newham Local Plan 2018 Policies S1, S6, SP1, SP2 and SP3 in their collective aims to achieve high quality development, and Policy SP8 in its intention for development to make appropriate provision of space, and policies H1 and H4 to ensure housing standards and residential quality is met. Furthermore it would not meet the objectives of the National Planning Policy Framework to create high standards of amenity for future users, or the London Plan 2016 Policy 3.5 in its purpose for high quality development. Finally, it would not comply with the Draft London Plan Policy GG4 that aims to create mixed and inclusive communities, Policy D1 for growth relating to housing types and tenures, or Policy D4 to deliver good design.

Living conditions of neighbouring occupiers

17. There may be an increase in comings and goings as a result of a separate household, the resultant change to the levels associated with the dwellings that could be occupied by up to 8 residents would however not be significant.
18. Despite the objections received on these grounds, changes to internal activity would have little effect on neighbouring properties. I do not find that the creation of an additional unit would give rise to unacceptable living conditions to the neighbouring occupiers. Therefore, I conclude that the development would not harm the living conditions of occupiers of neighbouring properties.
19. It would not conflict with the Newham Local Plan 2018 Policies SP3 and SP8 as unneighbourly development. Nor would it conflict with Policy SP2 in so far as it relates to healthy neighbourhoods where noise is a factor. I have found that Policies H1, S1 and S6 of the Newham Local Plan 2018 has limited relevance as they are strategic wide policies with noise not directly related, nor is Policy SP1 as it relates to place making
20. It would comply with the National Planning Policy Framework in its aims to avoid noise giving rise to significant adverse impacts. I find no relevance to

Policy 7.1 of the London Plan 2016 as it does not relate to noise. It would however not conflict with Policy 7.15 of the London Plan 2016 for development to avoid significant adverse noise impacts. Finally, it would not conflict with Policy D1 of the Draft London Plan as it relates to area assessments with regards to noise levels.

Other Matters

21. The appeal dwelling may be difficult to rent to a family and that the proposal would create an increase in housing mix, although given the evidence before me, I have come to the conclusion that family housing should be protected in this instance. Whilst the development may be high quality, however, there is no evidence provided by the appellant to confirm it would be affordable accommodation. Nevertheless, these factors do not persuade me to allow the appeal.
22. The appellant has provided an extract from a Government source to explain that the numbers of households has grown, as well as the numbers of people living alone. However, these figures do not justify unacceptable development.
23. The appellant refers to the Newham's 2027 Core Strategy (2012), however this plan has been formally withdrawn and replaced by the London Borough of Newham Local Plan 2018. Policies H1, H4 and H17 of the Core Strategy are therefore not relevant to this appeal. The appellant refers to Policy 6.116 although there is no evidence provided of this policy.
24. The increase in one new unit would not have a significant bearing on the housing supply within the area. Problems with sub-letting the dwelling are not within my remit to comment upon. The letters of objections received are noted, however as I am dismissing the appeal, there is no requirement for me to comment further.
25. Issues regarding the service the appellant received from the Council should be in the first instance directed to the Council and whilst they cite that no negotiations occurred between the two parties, there is no obligation for this to happen.

Conclusion

26. I have found no harm in terms of the effect on the living conditions of occupiers of neighbouring properties. However, the absence of harm in that respect would not justify the harm identified with respect to the unsatisfactory living environment for future occupiers and the loss of housing suitable for family occupation in the area. 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.
27. For the reasons given above and taking all other matters into consideration, I conclude that this appeal is dismissed.

Alison Scott

INSPECTOR