



Appeal Decision

Site visit made on 15 September 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/W5780/W/20/3250889

65 Kingswood Road, Seven Kings, Ilford, IG3 8UB

- 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 Dunlea (on behalf of Hatchlin Limited) against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4243/19, dated 29 October 2019, was refused by notice dated 17 January 2020.
 - The development is the conversion of single dwelling house into two self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a single dwelling house into two self-contained flats at 65 Kingswood Road, Seven Kings, Ilford, IG3 8UB in accordance with the terms of the application Ref 4243/19 dated 29 October 2019, and subject to the following conditions:
 1. The development hereby permitted shall be in accordance with the following approved plans: Existing and Proposed Layouts and Elevations (KR 10A, 05/05/19), and Site Plan.
 2. Details of the proposed refuse and recycling storage facilities to be provided at the site shall be submitted to and approved in writing by the Local Planning Authority. Within 6 months of the date of this decision, the facilities as approved shall be provided and retained at the site thereafter in accordance with the approved details at all times.
 3. Details of provision for off-highway cycle parking spaces to be provided at this site in accordance with the standards embodied in Policy LP23 of the Council's Local Plan, shall be submitted to and approved in writing by the Local Planning Authority. Within 6 months of the date of this decision, the cycle parking provision as approved shall be provided and retained at the site thereafter in accordance with the approved details at all times.

Main Issues

2. The main issues are;
 - whether the development accords with the local spatial housing policies, including the provision of an adequate quantity of internal floorspace for occupiers; and,

- whether the personal circumstances of the appellant outweigh any harm in respect of the development.

Reasons

3. The appeal site is occupied by a two-storey dwelling located at the end of a short terrace of properties on the western side of Kingswood Road, which is a residential street. The property incorporates a converted roof storey and possesses a front garden area which has been laid as hardstanding to accommodate an area of off-street parking.
4. The appellant has indicated that the works subject to the appeal have already been undertaken, citing the impact of the Coronavirus (COVID-19) pandemic and inherent uncertainties as to duration and the urgent needs of the occupier as the principal reason.

Housing policies

5. In assessing the principle of development, the Council has cited Policies LP5, LP6 and LP26 of the Redbridge Local Plan 2015-2030, March 2018 (the Local Plan). These policies address Dwelling Mix; Dwelling Conversions, Housing in Multiple Occupation (HMOs) and Buildings in Multiple Residential Occupation; and the promotion of high-quality design, respectively. The Council has particularly drawn my attention to the various criteria and conditions set out in Policy LP6 whereby a conversion would be permitted.
6. Whilst I have had regard to the appellant's contention regarding the location of the site within Goodmayes, there is no evidence before me that the appeal property is located within a defined Metropolitan, District or Local Centre as is required by Policy LP6(a). Although the site may be comparatively close to the Local Centre and identify as being within the same geographical area, it is evident that the appeal site occupies a suburban residential location, and where the Council has identified through the Redbridge Housing Strategy 2017-2022 the need to protect dwellings for family occupation.
7. In respect of criterium (b), there is no dispute between the parties that the gross floor area of the existing property would exceed 130m², which is a requirement for conversion to two units. Furthermore, in light of the absence of any external changes to the property due to the conversion being facilitated by internal subdivision, there would not be any significant visual impact on the character of the area. I have also not been directed to any compelling evidence that the development would result in a significant loss of amenity due to increased traffic, noise and/or general disturbance. The provision of one parking space per unit as proposed within the front garden would also accord with the Policy and it is indicated that both units would have access to the private rear garden.
8. Criterium (e) of Policy LP6 addresses the need to meet national space standards as set out in the Government's Technical housing standards – nationally described space standard, March 2015 (NDSS). The residual property would accommodate a 1 bed 2 person (1b2p) unit on the ground floor, which based on the Council's measurement of 57.75m² would comfortably exceed the requirement of a Gross Internal Area (GIA) 50m² for a 1b2p unit on 1 storey, as set out in the NDSS.

9. I have had regard to the Council's assessment of the new property as a 2 bed 4 person (2b4p) dwelling in reaching their conclusions, whilst the appellant has indicated the intention that the accommodation would be provided as a 2 bed 3 person (2b3p) unit. However, irrespective of the appellant's intention I would agree with the Council that based on the size of the accommodation and in particular the apparent bedroom sizes that it is appropriate to assess the proposed development as a 2b4p unit, which the NDSS requires to incorporate over 2 storeys the provision of 79m².
10. I note there is some dispute regarding the overall GIA of the upper unit, with the Council concluding an area of 77.4m² whilst the appellant contends a figure of 78.5m². I recognise that in both instances there would be a shortfall from the minimum GIA as set out in the NDSS, but having reviewed the submitted evidence of the appellant's breakdown of GIA and calculations, which I note the Council has not sought to counter with any detail, I have utilised the appellant's figure. As a consequence, whilst the shortfall of 0.5m² would not accord with the criterium (e) of Policy LP6, I find the shortfall to be negligible in the context of the overall GIA.
11. Turning to the final criterium, I recognise that the larger unit would not provide 3 bedrooms or more and would not be located on the ground floor. However, the proposed upper floor unit would provide a GIA of in excess of 74m² and would possess a separate access to the private rear garden. I am satisfied that any conflict with this aspect of the policy is therefore limited only to the number of bedrooms provided.
12. Having regard to the above, I find the development not to accord with spatial housing policies as the scheme conflicts with aspects of the Development Plan Policy LP6 as it relates to the location of the site outside of a defined Metropolitan, District or Local Centre, fails to make provision or maintain a larger 3 bedroom unit within the residual development, and on a very limited basis with regards the shortfall in GIA.
13. Whilst the development conflicts with Local Plan Policy LP5 due to the loss of a larger residential unit, any conflict with the policy is at least partially tempered by the provision of a mix of a 1-bedroom unit and 2 bedroom unit in this instance. However, there would also be some limited conflict with Policies LP26 and LP29 of the Local Plan with regards the need for the provision of high standards of accommodation for housing in terms of the size of internal space as it relates to the requirements of the NDSS.

Personal circumstances

14. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
15. The appellant has submitted evidence which sets out the specific needs of the occupier of the property and the contended justification for the conversion of the property and the provision of the additional unit of accommodation. The evidence includes correspondence from the GP of the occupier which explains the detailed circumstances which have led to the need for the conversion of the property as well as confirming aspects of the medical issues pertinent to the

case. In this respect, I am satisfied that consideration of the needs of the occupier would fall within the auspices of the PSED.

16. I have carefully considered the submissions and I recognise the importance that the provision of secure and separate live-in carers accommodation would play in meeting these needs. In light of the submissions and the historic chronology of events, it is difficult to envisage how these needs might be addressed satisfactorily by alternative means at the appeal site without presenting a significant compromise to the detriment of the wellbeing of the individual concerned, and I therefore disagree with the Council's stance in this respect.
17. For these reasons, I attach significant weight to the need to address the specific circumstances as presented in this instance in accordance with the PSED, and which must therefore weigh in support of the development.

Conditions

18. In addition to a standard condition regarding development being completed in accordance with the approved plans, I am satisfied that conditions requiring the approval of details of refuse and recycling facilities and the provision of off-highway cycle parking would be justified in the interests of safeguarding the character and appearance of the area and the living conditions of neighbouring occupiers, and the promotion of sustainable means of travel, respectively. Given that the works having already taken place, I have revised the wording of these conditions to reflect a reasonable timescale for their imposition, and have not received any objections on this basis.

Conclusion

19. I am satisfied that the impact of dismissing the appeal would have a disproportionate impact on the individual with a protected characteristic in this instance. As a consequence, the need highlighted under the PSED outweighs the harm identified to the Council's spatial housing policy and the conflict with the Development Plan.
20. For the above reasons, and subject to the conditions as listed, the appeal is allowed.

Martin Seaton

INSPECTOR