



Appeal Decision

Site visit made on 26 November 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/W5780/W/20/3253804
714 Eastern Avenue, London IG2 6PE

- 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 Thambimuthu Atputharajah against the decision of the London Borough of Redbridge.
 - The application Ref 4508/19, dated 12 December 2019, was refused by notice dated 23 March 2020.
 - The development proposed is described as a "construction of a single storey rear extension as per previously approved application and convert that to a self-contained flat."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning approval has previously been granted for a part single storey and part two storey extension to the rear of the appeal property. The Local Planning Authority (LPA) describes the appeal proposal as "*part change of use of ground floor from retail (A1) to one 1x 1-bedroom self-contained flat (C3). Single Storey rear extension. Part first floor rear extension*". I have determined the appeal on the basis of the LPA's description as this more precisely describes the proposal.
3. The appellant has submitted revised plans for consideration since the refusal of the application by the LPA. The revised plans increase the internal size of the proposed flat from 47m² to 50m² by taking in an extra 3m² from the existing retail space. In addition, the revised plans show two parking spaces for bicycles within the appeal site and also include proposed landscaping. While the LPA objects to the determination of the appeal on the basis of the revised proposals, the additional internal floor area of 3m² involves no external changes, and the inclusion of two parking spaces for bicycles makes no physical external changes to the proposal. The landscaping proposals could have been the subject of a condition relating to the originally submitted plans.
4. I consider that the amended plans include very minimal changes and that there would be no injustice caused to any interested party in accepting them as part of the appeal. I have therefore determined the appeal on this basis.
5. The LPA has confirmed in writing that it has 4.81 year's supply of deliverable housing sites. Therefore, paragraph 11d of the National Planning Policy Framework 2019 (the Framework) is engaged and which states that

applications should be assessed against a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Main Issues

6. The main issues are the effect of the proposal upon (i) the living conditions of future occupants in terms of internal space, daylight and sunlight, outlook and the provision of cycle storage and (ii) the integrity of the Epping Forest Special Area of Conservation.

Reasons

Living conditions

7. Cycle storage is shown on the amended plans which I find to be suitably located.
8. The proposed development is for a 1 bedroom flat and where the appellant has submitted amended plans to increase the internal floor area from 47m² to 50m² to accord with the minimum space requirements of the London Plan 2016 (LP). The appellant, in the appeal statement, notes by way of explanation that *'the original floorspace as set out in the submitted drawings to the Council was below the standards required under this policy. The amended drawings as submitted through this appeal now provides for a 1 bedroom dwelling which will meet the required 50m²'*.
9. The Council refers to the LP policy 3.5 and to the Redbridge Local Plan 2018 (RPL) policy LP29 which incorporates the Nationally Described Space Standard 2015 and where the minimum bedroom size for a one bedroom, two person flat is 11.5m². Whilst the amended plans meet the overall size requirements for a two person flat, the proposed bedroom has a floor area of 10.79m² and thus fails to meet the minimum standard. The bedroom also fails to meet the minimum width requirement of 2.75m for a double bedroom. The LP notes that *'these are minimum standards which developers are encouraged to exceed'*.
10. The proposed outdoor amenity space has an area of approximately 22m² and thus exceeds the minimum requirement stipulated in policy LP29 of the RPL of 5m². However, the policy also requires such amenity space for flats to *'be of a functional and practical configuration to enable a range of reasonable activities including sitting out, dining, child's play, gardening and social interaction'* and also that *'it should not rely on areas used for parking (such as driveways) or narrow buffer strips.'*
11. Most of the proposed amenity space provides a narrow access route to the first floor unit via an external staircase, while the rest has a depth of approximately 1.6 metres at the rear of the site, used for the storage of bins and facing a roller shutter door. I therefore find that the outdoor space would be severely limited in its use and of inappropriate quality.
12. The proposed extension would be aligned north-south. The window to the living room would face onto the passageway giving rise to the stairway access to the first floor flat. From mid-day onwards it would fall into shadow and especially in winter would be likely to afford poor levels of sunlighting and daylighting into

the room. In addition, I find that the outlook from the windows would be significantly restrictive and enclosing.

13. For the above reasons, I conclude that the proposal would not accord with the amenity requirements of policy 3.5 of the LP; policy LP29 of the RLP; the Nationally Described Space Standards or with paragraph 127(f) of the National Planning Policy Framework.

Epping Forest Special Area of Conservation

14. The Council states that the development is located within 3km of the Epping Forest Special Area of Conservation (SAC) Zone of Influence.
15. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of a European site, such as a SAC. As the competent authority, it falls to me to undertake an Appropriate Assessment (AA). However, and even if I had details before me in respect of the nature of the SAC or indeed whether the proposal would on its own, or in combination with other development projects, likely lead to adverse effects, there would be a requirement for mitigation.
16. Given the above, I am unable to undertake an AA and reach an overall conclusion about the effect of the proposal upon the integrity of the SAC. If there were any identified adverse effects then there would be a requirement for mitigation. No such details or mechanism for any payment are before me.
17. Given the above, I am unable to conclude that the proposal would accord with LP policy LP33 concerning nature conservation, or with LP policy LP38 relating to the protection of trees and the enhancement of the landscape. I would add that a finding that the proposal would not have an adverse effect on the integrity of the SAC, with or without mitigation, would, in any event, be a matter of neutral consequence in the overall planning balance. In other words, such a finding would not alter or outweigh my conclusion on the other main issues which are matters of overriding concern.

Other Considerations

18. In the context that the LPA cannot demonstrate a deliverable five year supply of housing sites, the proposal would make a positive contribution to the supply of houses in the area. However, the contribution from only one additional dwelling would be modest and whilst there would be associated economic benefits in terms of creating the flat, and with occupants supporting facilities and services in the locality, again they would be relatively limited benefits.

Planning Balance and Conclusion

19. I conclude that the identified adverse living condition impacts of the proposal would significantly and demonstrably outweigh the aforementioned benefits when assessed against the policies in the Framework taken as a whole. In addition, there would be conflict with identified development plan policies. Therefore, the proposal would not deliver a sustainable form of development and the appeal should be dismissed.

Steven Hartley

INSPECTOR