



Appeal Decision

Site visit made on 17 November 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2020

Appeal Ref: APP/W5780/W/20/3253969

57 Endsleigh Gardens, Ilford, Essex IG1 3EQ

- 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 Mrs Surinder Sagoo against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0227/20, dated 21 January 2020, was refused by notice dated 8 April 2020
 - The development proposed is described as "convert single house to three residential units: Ground Floor = (2 x 1 bedroom flats) First Floor (1 x 3 bedroom flat). Internal changes only. No changes externally".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided an amended drawing which sought to overcome the Council's reason for refusal, particularly matters relating to outlook, light and amenity space for the future occupiers of the proposed flats. I have considered this drawing under the principles established by the Courts in *Wheatcroft*¹. However, as the drawing proposes an amenity area at first floor level, it changes the development to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation.
3. Moreover, the advice within the procedural guide² is that any proposals considered by the appellants to overcome the Council's reasons for refusal should normally be made via a fresh application and that the appeal process should not be used to evolve a scheme. Consequently, I have determined the appeal based upon the drawings that were submitted with the planning application and not the amended plan.

Main Issues

4. The main issues in this appeal are the effect of the development on the:
 - supply and choice of family accommodation in the Borough;
 - living conditions of future occupiers with particular regard to outlook and light for the ground floor flats and private amenity space for the first floor flat; and,
 - Epping Forest Special Area of Conservation.

¹ *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] P&CR 233

² *Procedural Guide Planning Appeals – England* November 2020

Reasons

Supply and Choice of Housing

5. The existing property is a mid-terrace, five bedroom property that lies within a residential area of Ilford. The proposal seeks to convert the existing dwelling into three flats, two of which would be provided on the ground floor with a further flat on the first floor. The site is with an area that consists primarily of similar terraced properties, some of which have been converted to flats which the appellant has drawn to my attention.
6. Policy LP6 of the London Borough of Redbridge Local Plan 2015-2030 adopted March 2018 (the Local Plan) supports the conversion of larger homes into smaller self-contained units where, amongst other things, (a) it is located within a Metropolitan, District or Local Centre, (c) does not result in a significant loss of character to the area, (d) provides appropriate car and cycle parking, (e) it meets the national space standards³ (the NSS) and (f) that the development provides at least one larger sized home (3 bed plus) on the ground floor.
7. Policy LP5 of the Local Plan also focuses on the provision of larger (3 bed plus) family homes. The property is located in an established residential area where the Council is seeking to protect dwellings for family occupation as part of its strategy to provide a range of house size and tenures, to meet the housing needs of different groups in the Borough.
8. The Council is satisfied that the site could provide spaces for two vehicles at the site and cycle storage could be secured by way of an appropriate condition. Thus, the development would comply with part 1 (d) of Policy LP6 of the Local Plan. However, the appeal property is not located in a Metropolitan, District or Local Centre and each of the units would fail to provide adequate internal space as required by the NSS and Policy 3.5 of the London Plan 2016 (the London Plan). Moreover, the development would not provide a larger, family sized unit on the ground floor.
9. Therefore, the conversion of the dwelling into three flats would result in the loss of a larger home, unacceptably harming the supply and choice of residential properties in the Borough, contrary to the aims of Policies LP5 and LP6 of the Local Plan. However, as Policy LP26 of the Local Plan seeks to promote high quality design, I have not been presented with any evidence that the proposal would not meet the expectations of this policy.

Living Conditions

10. Although the bedroom areas for the ground floor flats would look out onto the shared amenity area, I am not persuaded that this would necessarily lead to a lack of privacy. 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.
11. The proposed kitchen areas for the ground floor flats would be internal rooms without windows. Consequently, these rooms would not benefit from natural light and would result in an oppressive outlook for the occupiers of the flats. In addition, the occupants of the first floor flat would not have access to any private

³ Technical housing standards – nationally described space standard March 2015

external amenity space. Each flat would also fail to meet the internal floorspace requirements as set out within the NSS. Therefore, the development would not provide a high quality development.

12. Thus, the development would harm the living conditions of future occupiers of the flats. It would be in conflict with Policies LP6 and LP29 of the Local Plan and Policy 3.5 of the London Plan which seek, amongst other things, to ensure that developments provide adequate external amenity space to meet the needs of occupants and maximise sunlight and outlook.

Epping Forest Special Area of Conservation (SAC)

13. The appeal site lies some 6.2km from Epping Forest SAC. Therefore, the appellant is required to provide appropriate mitigation that would result from small scale proposals such as this where, in combination with other developments, they are likely to have a significant effect upon the Epping Forest European protected site, due to reduced air quality and increased recreational pressures.
14. However, given my findings on the substantive matters before me, I do not intend to consider this particular issue further because, should there have been an agreed way forward in enabling this scheme to mitigate for its impacts so as to satisfy the EU Habitats Directive, this would not have altered the harm I have already identified.

Other Matters

15. The appellant has provided a comprehensive list of properties on Endsleigh Gardens that have been converted into flats. However, the list clearly demonstrates the scale of such conversions in the area and to place undue weight to this matter, would only serve to compound the issue further.
16. I acknowledge that the site is close to Ilford town centre where one can access services, facilities and public transport links. However, while noting the benefits that would result in this respect, I do not consider that it outweighs the harm identified above.
17. I note the appellant's comments regarding larger properties being in a state of disrepair and property prices. Nevertheless, I have not been presented with any substantive evidence that this is harming housing choice in the area.
18. I also note the array of roof conversions in the vicinity of the appeal site. However, as I have discussed in my preliminary matter, any proposals considered by the appellant to overcome the Council's reasons for refusal should normally be made via a fresh application and that the appeal process should not be used to evolve a scheme.

Conclusion

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

Graham Wyatt

INSPECTOR