



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: 14 December 2020

Appeal Ref: APP/W5780/W/20/3255094

40 Hamilton Avenue, Barkingside, Ilford IG6 1AE

- 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 A Latif against the decision of the London Borough of Redbridge.
 - The application Ref 1137/20, dated 7 April 2020, was refused by notice dated 15 June 2020.
 - The development proposed is described as "conversion of four unauthorised flats into three flats (1x3 and 2x1 bed)."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both parties agree that the four flats are unauthorised and that until 2019 the building was a 4-bedroom family dwelling. In that regard, I have considered the proposal based up on a conversion from a 4-bedroom dwelling to three flats.

Main Issues

3. The main issues are the effect of the proposal upon (i) the supply of family dwellings; (ii) the living conditions of future occupiers in respect of external amenity space and (iii) the integrity of the Epping Forest Special Area of Conservation (SAC).

Reasons

Housing stock

4. Policy LP5 of the Redbridge Local Plan (2018) (RLP) aims to create a range of homes in the Borough but focuses upon the need for larger family sized houses (3-bedroom plus). Policy LP6 of the RLP only supports dwelling conversions of larger houses subject to six criteria, including that they are located in a Metropolitan, District or Local Centre (as identified in the plan).
5. The appeal building is not within a Metropolitan, District or Local Centre. Therefore, the conversion of the larger dwellinghouse into smaller self-contained flats conflicts with Policy LP6 criterion (a).

6. Policy LP6 also requires the conversion of larger dwellings to have no adverse impact upon residential character. Hamilton Avenue is a residential area of mainly two-storey terraced and semi-detached dwellings. The pre-existing dwelling has the capacity for a significant level of activity due to its large size. While the proposed flats would increase the number of units, I do not consider that the proposal would lead to a material increase in activity or disturbance relative to the original use of the property, and therefore I find that there would be no significant adverse impact upon the character and appearance of the building or the area.
7. Nevertheless, the proposal would result in the loss to the housing stock of a large family dwellinghouse in an area where the Council is seeking to retain such properties. Therefore, I conclude that it would be contrary to Policies LP5 LP6 and LP26 of the RLP for the above reason.

Living conditions

8. Policy LP29 of the RLP aims to ensure that new development will provide external private and/or communal amenity space. The appellant notes that the occupants of the 3-bedroom ground floor flat would have access to the rear amenity space but that the occupants of the two flats above would not. The appellant considers that the occupants of the flats on the upper storeys would have access to various public open spaces within close proximity. However, that is not the same as having access to private open space.
9. Therefore, I conclude that the proposed development would be contrary to LP policy LP29 which aims to ensure occupants have access to private and/or communal amenity space.

Epping Forest Special Area of Conservation

10. The Council states that the development is located within 3km of the SAC Zone of Influence.
11. The Habitats Regulations require that permission may only be granted after having ascertained that development will not affect the integrity of a European site, such as the 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.
12. 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 are before me.
13. 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 upon the integrity of the SAC, with or without mitigation, would 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.

Conclusion

14. For the reasons outlined above, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR