



Appeal Decision

Site visit made on 27 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020.

Appeal Ref: APP/E5900/W/20/3253134

10 Fairclough Street, London E1 1PR

- 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 Kirit Patel against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/00405, dated 6 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is roof extension at second floor level and to convert property from 1 x 3 bedroom property to 2 x 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the determination of the application changed slightly. I have therefore taken the description from the decision notice for the purposes of clarity.

Main Issues

3. The main issues are:
 - Whether the appeal proposals would result in the loss of a family sized dwelling;
 - The effect of the proposals on the living conditions of future and neighbouring occupiers;
 - Whether the proposals contain sufficient cycle storage provision, and
 - Whether the proposals make adequate provision for refuse storage and collection.

Reasons

Loss of Family Sized Dwelling

4. No. 10 Fairclough Street is an attractive, three storey Georgian townhouse situated opposite a primary school in a quiet, predominantly residential street. It is surrounded by buildings of various eras, most of which have been converted to apartments, or are purpose-built as such. The area is very densely developed with little in the way of open space within the immediate surroundings.

5. The appeal site is currently occupied as a House in Multiple Occupation (HMO), where there are 5 letting bedrooms within the property (not all were occupied at the time of the site visit) all sharing common facilities such as a kitchen, bathroom and external space. The first floor has two bedrooms, the (upper) ground floor has two bedrooms, the bathroom and access to the rear yard and the (lower) ground floor has a kitchen and further bedroom.
6. The proposals would result in the loss of a 5 bedroom HMO (or 3/4 bed family home), creating two, 2 bed apartments.
7. Policy D.H2 (Affordable Housing and Housing Mix) of the Tower Hamlets Local Plan (2020) (LP) seeks to resist the loss of family-sized housing in the Borough. At sub section (4), the policy states that '*development involving the conversion of family homes will only be permitted when a 3-bed plus unit is retained in the new development...*'
8. I have taken account of the fact that the property is currently utilised as an HMO, offering accommodation for up to 5 individual occupiers at any one time. As such, it is not currently in use as a family home. However, the policy seeks to retain 'family-sized housing'. Whilst in use as an HMO there remains a chance that the property could at some point in the future, revert to a family home.
9. I therefore consider that the proposals would result in the permanent loss of a family-sized dwelling, contrary to policy D.H2 (4) of the LP.

Living Conditions

10. The ground floor rear yard is a small area forming the only useable external space associated with the property. It is enclosed by a wall and appears to have been in use as an area to dry clothes or for sitting out. It is currently well overlooked by the existing, surrounding apartment buildings and as a result is afforded very limited privacy.
11. Policy D.DH8 (Amenity) of the LP at sub-section 1(a), seeks development that maintains good levels of privacy, where it would avoid an unreasonable level of overlooking. Given the existing levels of overlooking to the rear yard, I do not consider the provision of this space to serve a flat would result in a discernible reduction of privacy for future occupiers.
12. Policy D.H3 (Housing Standards and Quality) at sub sections (4) and (5.a) of the LP seek the re-provision of existing amenity space, with no net loss of such space. Amenity space standards (as a minimum) are 5sqm of private outdoor space for 1-2 person dwellings, with an extra 1sqm for each additional occupant.
13. However, the creation of a self-contained dwelling within the upper floors of the property would result in no external amenity space for that dwelling, which is contrary to policy D.H3 of the LP. In light of the fact that all occupiers of the HMO currently have access to the rear yard, it would clearly result in a net loss for the future occupiers of the proposed upper floor flat.
14. I therefore find harm in relation to the lack of amenity space, contrary to policy D.H3 of the LP, but no demonstrable harm in terms of overlooking and privacy, given the existing situation.

Cycle Storage

15. The proposed development would incorporate cycle storage on the ground floor within a recess, for two bicycles.
16. Policy D.TR3 (Parking and Permit-Free) of the LP requires (at Appendix 3: Parking Standards) bicycle storage at a ratio 1 space per studio and 1 bedroom unit, with 2 spaces per all other dwellings.
17. I note that the appellant has offered further cycle parking, potentially within the rear yard for the lower ground floor flat. However, details of this arrangement are not before me, and given the limited size of the rear yard, I would have some concerns over the level of amenity space remaining as a result of this.
18. I therefore find that the proposals do not meet this standard and consider the appeal proposals to be in conflict with policy D.TR3.

Refuse Storage and Collection

19. The appeal property does not have a designated space for the storage of refuse. The current arrangement is that occupiers bag their waste and leave it for kerbside collection. It is proposed this arrangement would continue. Although the external rear yard could offer some space for this purpose, this would still result in a further new dwelling being created with no means of storing waste.
20. Policy D.MW3 (Waste collection facilities in new development) of the LP requires that all new development must include '*sufficient accessible space to separate and store dry recyclables, organics and residual waste for collection, both within individual units and for the building as a whole*'.
21. I have considered the current arrangements for waste collection, which appear to meet the needs of up to five occupiers within the HMO.
22. In light of the fact that the external space for the proposed lower ground floor flat would be private, it would not therefore be accessible to the upper floor flat. To that end, whilst there may be storage space available for the segregation of recyclables, organics and residual waste within each dwelling, there would therefore be no arrangement for the 'building as a whole', contrary to policy D.MW3 of the LP.

Conclusions

23. For the reasons given, and having considered all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR