



Appeal Decision

Site visit made on 1 December 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/W5780/W/20/3259184

154 Perth Road, Gants Hill, Ilford IG2 6EB

- 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 Anouar Adham against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1717/20, dated 15 June 2020, was refused by notice dated 6 August 2020.
 - The development proposed is conversion of house into 3 flats (1x3 bed, 1x2 bed, 1x studio).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would provide an appropriate mix of housing;
 - whether the proposal would provide an acceptable standard of accommodation;
 - the effect of the proposal on the character of the area and living conditions of neighbouring occupants, and;
 - the effect of the proposal on the Epping Forest Special Area of Conservation.

Reasons

Housing Mix

3. Policy LP5 of the Redbridge Local Plan (March 2018) (the RLP) aims to secure a range of homes that will contribute to the creation of mixed, inclusive and sustainable communities by seeking all housing developments to provide a range of dwelling sizes and tenures particularly focusing on the provision of larger family sized homes (three bed plus).
4. Policy LP6 of the RLP states that conversion of 'larger homes' to smaller self-contained units will be supported where specific criteria are met. The proposal would conflict with criterion a) of Policy LP6 as it would be located outside of a Metropolitan, District or Local Centre as defined in the RLP.
5. The property has been significantly extended and I saw it to be laid out as a multi-occupancy property with four kitchen areas, eight en-suite bedrooms and no communal living areas. The proposed layout would create a three-bedroom

flat across the ground floor which would be capable of family occupation, a two bedroom flat at first floor level and a 'studio' at second floor level. The proposal would therefore meet the requirements of criterion f) to provide at least one larger family sized home of 74 sqm (3 bed plus) on the ground floor with access to a dedicated rear garden of the converted home.

6. The Council refers to the surroundings as 'an established residential area' with its intention being *'to protect dwellings for family occupation in residential neighbourhoods at lower densities as part of its strategy to provide a range of house types to meet the boroughs housing needs of different groups as identified in the Redbridge Housing Strategy 2017-2022.'* However, I am not provided with a copy of this strategy. Read on its face, and absent any supporting text which has not been provided to me, Policy LP5 seeks to secure a range of homes, dwelling sizes and tenures, with the focus on the 'provision of larger homes'. The proposal would do so in respect of the three bedroom ground floor flat.
7. Whilst located outside of a defined centre, the appeal site is within walking distance of facilities in Gants Hill and Newbury Park, and the proposed mix would accord with the overall aims of Policy LP5 to secure a range of sizes and tenures of homes that will contribute to the creation of mixed, inclusive and sustainable communities, subject to meeting other criteria of Policies LP5 and LP6 relating to the effect on the character of the area, neighbours' living conditions and the standard of accommodation.

Standard of accommodation

8. Policy LP29 of the RLP states that the Council will implement national space standards¹ when making decisions. Both the proposed ground floor flat and two-bedroom flat at first floor level would meet the national standards and would provide a suitable standard of accommodation in terms of floorspace, individual room sizes, light and ventilation.
9. The second floor unit is described as a 1-person studio flat. This would, in principle, meet the NDSS requirement for a 1-person flat of 37sqm in area. However, the proposed plans for the second floor unit show the bedroom and kitchen/living area separated by an internal wall, creating a one-bedroom flat. The Council points out that the bedroom, at 12.23sqm, exceeds the size standard for a double bedroom and could be occupied by two people, in which case the unit would fall well short of the NDSS standard of 50sqm for a 1-bedroom, 2-person flat.
10. However, even if I accept the appellant's position that the flat would be single occupancy, the NDSS sets a minimum floor to ceiling height standard of 2.3m for at least 75% of the Gross Internal Area. Whilst I do not have exact figures, I saw that a significant portion of the floorspace would be located within the front roof slope which extends down to the floor and renders much of the room impossible to stand up straight in. Based on my observations, the proposed flat would fall well short of meeting the ceiling height standard and would in practice offer significantly less than 37sqm of functional floorspace. This would result in cramped conditions which would be to the severe detriment of future occupants, an impact exacerbated by the sub-division of the flat into separate

¹ Technical housing standards – nationally described space standard (March 2015) (the NDSS)

rooms which would limit the flexibility of the space and undermine the fundamental concept of a studio unit.

11. For these reasons, I conclude that the proposed second floor flat would fail to provide a suitable standard of accommodation for future occupants, significantly harming their living conditions, in conflict with Policies LP26 and LP29 of the RLP and Policy 3.5 of the London Plan (March 2016) which together require high quality design which high standards of accommodation for housing in terms of size, quality and arrangement of internal space.

Effect on local character and neighbours' living conditions

12. The proposal would result in three separate residential units instead of a single family dwelling, though based on the existing layout and recent planning history, the property has not functioned as a dwelling latterly. The Council's delegated report indicates that the number of bedrooms would fall from 10 to 6, although the 'pre-existing' plans provided by the appellant show 6 bedrooms in a dwelling layout, and there are eight at present. Nonetheless, the Council argues that the proposal would result in significant loss of character and amenity through increase traffic, noise and general disturbance from three households and their visitors.
13. Separate dwellings with independent occupants may give rise to additional comings and goings compared to a single family unit. Equally, a six bedroom dwelling house could be occupied by a large family with more than two adults and have significant activity of its own. The Council does not offer any specific evidence to compare the existing and proposed situations, such that a firm conclusion could be drawn as to whether there would be any impact, let alone a 'significant and detrimental intensification' as is alleged.
14. The owner of the adjoining property, No 156, raises issues of anti-social behaviour, criminality and property damage, and points to recent enforcement investigations undertaken by the Council. I do not have evidence to verify these claims, but it appears they may have been linked to previous use as a house in multiple occupation (HMO), which was no longer occurring at the time of my visit, as the property was wholly vacant. Whilst I can understand the neighbouring owner's frustration with the incidents described, the assessment to be made in this case is between use as a single dwellinghouse and the proposed three flats, for which there is limited evidence of a demonstrable difference in noise and disturbance given the expected number of occupants.
15. In the absence of such evidence, and given there would be no additional floorspace or bedrooms, I am not persuaded that the proposed use would lead to materially greater levels of traffic generation, noise and/or disturbance than would occur with a single large family occupying the building as one house. Therefore, I find that the proposal would not cause material harm to the character of the area, or neighbours' living conditions, and so would not conflict with the relevant requirements of Policies LP6 and LP26 of the RLP.

Effect on Epping Forest Special Area of Conservation

16. The appeal site falls within the 'Zone of Influence' for the Epping Forest Special Area of Conservation (SAC). The SAC is designated for the presence of several qualifying habitats - Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath; European dry heaths and Atlantic Beech

forests on acid soils – and the presence of a qualifying species, the stag beetle (*Lucanus cervus*). The conservation objectives of the SAC are to ensure that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the favourable conservation status of its qualifying features. As the competent authority at the appeal stage, I have a statutory duty to ensure that the integrity of this area is not harmed.

17. The Council has provided a copy of Interim Advice (IA) from Natural England on the emerging strategic approach relating to the SAC Mitigation Strategy, dated 20 September 2018. This sets out the approach to be followed in respect of avoidance and mitigation measures to address residential impacts of development on the integrity of the SAC.
18. The IA sets out that 75% of visitors to the SAC travel from within the 6.2km Zone of Influence (ZOI). It anticipates that new residential development within the ZOI constitutes a likely significant effect on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. The proposal would increase the number of units on the site by two. The effects of the additional dwellings, both on their own and in combination with other development projects, is such that the proposal is likely to have significant effects on protected habitats and species in the SAC.
19. To mitigate effects on the SAC, the IA sets out that for small scale development, which includes the appeal scheme, a financial contribution to strategic 'off-site' measures will be required, which would go toward funding measures set out within the costed Strategic Access Management Measures provided by the City of London Conservators of Epping Forest.
20. In this case, I cannot conclude that the proposal would not have an adverse effect on the integrity the SAC. This is because there is no mechanism in place, namely a planning obligation, by which the required mitigation can be secured and controlled. The appellant has indicated a willingness to accept a condition to secure payment of the financial contributions. Having regard to the Planning Practice Guidance², the evidence before me does not indicate any exceptional circumstances which would justify use in this case of a negatively-worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into. There are no other courses of action available to me through the appeal process. Consequently, the appeal proposal would fail to provide the appropriate mitigation.
21. Based upon the evidence before me, I conclude that the appeal scheme would be harmful to the integrity of the Epping Forest SAC. In the absence of appropriate mitigation, the appeal proposal would conflict with the requirements of the Habitats Regulations (2017), and with the guidance of the National Planning Policy Framework, which indicates the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site, either alone or in combination with other projects. The Council's decision notice makes reference to Policies LP33 and LP38 of the RLP, however these relate to built heritage and trees and landscape respectively, and are not directly applicable to the proposal.

² Paragraph: 010 Reference ID: 21a-010-20190723

Other Matters

22. Though not a reason for refusal, I note the concerns raised in respect of on-street parking in the area, and saw that Quebec Road in particular was subject to heavy parking on both sides of the road with cars mounted on the footpath. The appellant's design and access statement indicates space for up to 6 cars on site, three at the front and three at the rear, though I have no evidence as to how many spaces the Council requires for the proposal.
23. However, the submitted plans show only two spaces in both areas, and the local highway authority (LHA) commented that the rear could in fact only accommodate one space. Moreover, there are bollards placed around the corner of the junction which prevent vehicles from accessing the front parking area from the Perth Road side, with the LHA indicating any parking needs to be accessed from Quebec Road and park parallel to the front wall. Ultimately, the evidence before me is inconclusive, and whilst there is some doubt as to the feasibility of providing spaces, the quantity and layout of parking could potentially be resolved by the parties through a planning condition.
24. I have had regard to planning permissions granted in the surrounding area which are referred to by the appellant. However, I do not have full details of the main issues or the Council's reasoning in these cases, and cannot be certain that these are in fact comparable to the appeal scheme. Therefore, I afford them only limited weight and have considered the appeal scheme on its own merits.

Conclusion

25. The proposal would deliver the social benefit of two additional dwellings to the housing stock, though this benefit would be limited given the small scale of the proposal. Limited economic benefits would accrue from construction activity associated with creating the flats and from subsequent activity by residents in the local economy.
26. However, there would be significant harm to future occupants' living conditions due to the unacceptable standard of accommodation provided and harm to the integrity of the Epping Forest SAC, resulting in conflict with the development plan, to which I afford significant weight. Though I have not found material harm in respect of the overall housing mix, location, character of the area or neighbours' living conditions, these are neutral considerations weighing neither for nor against the proposal.
27. The limited benefits identified would not amount to material considerations of such weight as to justify a decision being taken other than in accordance with the development plan, taken as a whole.
28. Therefore, for the reasons set out, the appeal is dismissed.

K Savage

INSPECTOR