



Appeal Decision

Site visit made on 14 January 2020

by R. Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2021

Appeal Ref: APP/W5780/W/20/3257584

17A Grosvenor Road, Ilford IG1 1LD

- 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 Shauket Ali against the decision of London Borough of Redbridge.
 - The application Ref 1258/20, dated 28 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is single and part first floor extension. Loft conversion with a rear dormer. Two front roof lights. Alterations to fenestrations. 1x2 bedroom flat and 1x1 bedroom flat. 2x1 bedroom studio self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the Council's decision notice because this more accurately describes the proposals before me than the description on the planning application form.
3. The appellant, as part of their evidence, has produced a revised Proposed Plan (PP/03A), Proposed Elevation (PP/04A) and a new Block Plan (PP/05). These make changes to the internal layout of proposed Flats 1,2 and 3, subdivides the rear garden and makes amends to the proposed rear elevation, including the location of windows and doors.
4. It is important, in the interests of ensuring that no one with an interest in this appeal is unfairly prejudiced, that what is considered at appeal is essentially what was considered by the Council at planning application stage. As set out in Annex M of the *Procedural Guide Planning Appeals – England (November 2020)*, the appeal process should not be used to evolve a scheme. The seemingly small changes proposed, cumulatively result in a proposal different to that originally described. As neighbours have not had an opportunity to view and comment on the changes now made, I have considered the appeal based on the plans submitted to the Council with the planning application.

Main Issues

5. The main issues are:

- whether the proposal would provide an acceptable standard of living accommodation for future occupiers.
- whether the proposal would provide an appropriate mix of housing.

Reasons

Standard of accommodation

6. Policy LP29 of the Redbridge Local Plan 2015-2030 (2018) (LP) states that the Council will implement the *Technical housing standards – nationally described space standard* (2015) (NDSS) in making decisions. The NDSS sets out minimum gross internal areas and storage for individual dwelling types. There is disagreement between the parties regarding the accuracy or otherwise of the proposed floorplans. The floor area figures are provided by the appellant in the Design and Access Statement in the following terms: Flat 1 35sqm, Flat 2 64.5sqm, Flat 3 42sqm and Flat 4 63sqm. On the appellant's own figures, Flats 1 and 2 clearly fall short of the minimum NDSS for a studio and a 2 bedroom 4 person flat of 39sqm and 70sqm respectively.
7. Flat 3 is described as a 1 bedroom 1 person (studio). However, the NDSS requires '*a dwelling with two or more bedspaces has at least one double (or twin bedroom)*' and '*in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.*' Flat 3 is shown on the proposed floor plan (PP/03) as being arranged with a separate living area/kitchen, bedroom and bathroom. The bedroom is annotated as 18sqm in size and therefore on the NDSS definition provides 2 bedspaces. It therefore falls below the minimum floor area of 50sqm set out in the NDSS for a 1 bedroom 2 person flat.
8. Flat 4 meets the NDSS standard for floor area for a 1 bedroom 2 person flat over 2 storeys. However, the bedroom at second floor would have a ceiling height of only 2.2m. Although I do not have the exact figure before me, from the drawings submitted, it would appear that the bedroom is around a third of the floor area of Flat 4. This is both below the technical requirements of the NDSS which requires a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area, and the higher standard of 2.5m set out in the London Plan Housing Supplementary Planning Guidance (2015). It is clear therefore that the appeal proposal falls short of the NDSS and indeed this is accepted by the appellant in their evidence.
9. The shortfall in internal space is exacerbated by the lack of provision of private amenity space, save for Flat 1, in an area that is identified by the Council as being deficient in open space. Whilst I note that Flat 4 exceeds the NDSS for internal space, which would usually compensate for a shortfall of external amenity space, for the reasons above the ceiling height is compromised. Overall, therefore I find the proposals to be below an acceptable standard of accommodation for future occupiers.
10. Consequently, the proposals conflict with LP Policy LP6, LP29(1) and (3) and Policy 3.5 of the London Plan (2016). It would further conflict with LP Policy LP26 in so far as it fails to provide a high standard of accommodation in terms of size, quality of internal space and external amenity space.

Housing mix

11. In refusing planning permission, the Council has cited LP Policy LP6 which addresses *Dwelling Conversions, Houses in Multiple Occupation and Buildings in Multiple Residential Occupation*. Policy LP6(1) sets out that the Council will only support the conversion of larger home(s) into smaller self-contained units (C3) where certain criteria ((a) to (f)) are met. The appellant contends that Policy LP6(1) is not applicable to the appeal proposals because the property is not historically lawfully a larger home or currently a larger home. I do not have the details of the planning history before me, save reference to an earlier planning application (4209/19) for four flats that was refused, but the appellant refers to the lawful use as being for two and three flats. The existing drawings however, as confirmed in the Design and Access Statement, show two flats arranged over ground and first floor. The flat at first floor includes two double and one single bedroom. The Council have calculated the floor area of this flat as 78.8sqm and I have no evidence to the contrary.
12. There is a degree of variation in the terminology used within LP Policy LP6 and the explanatory text that accompanies it, with reference made to *larger homes, larger houses* and *larger family homes*. However, LP Policy LP5 to which I have been referred, and which seeks to ensure a range of homes, places a focus on the provision of '*larger family sized homes (three bed plus)*' for which there is a significant need. Appendix 9 of the LP defines family sized housing as '*generally defined as three or more bedrooms.*' It is reasonable therefore to confer from this that, although a self-contained flat, rather than a house, the existing three bedroom flat does fall within the scope of protection afforded by LP Policy LP6(1).
13. In this regard, I have considered the appeal decision referred to by the appellant (APP/W5780/W/19/3241480). I do not have the benefit of all the evidence before the Inspector in that case. However, although the building had been previously converted to residential flats it appears there were no details of the disposition or size of the units. The Inspector therefore concluded that given the overall size of the property the units would not have been of a size to be regarded as larger houses or homes and there was no suggestion by the Council they should be regarded as such. The case can therefore be clearly distinguished from the case now before me where the existing size and layout of the first floor flat is known. As such, the appeal lends no significant support.
14. The Council accept that LP Policy LP6(1)(a) is no longer applicable and that criterion (b), (c) and (d) are met by the proposals. I have no reason to disagree with this. For the reasons given above, I have found that the proposals fail to meet the NDSS. Further, rather than providing a family sized dwelling, the proposal would result in the loss of the first floor three bedroom flat replacing it with two smaller dwellings. Criterion (e) and (f) are therefore not met and consequently the proposals conflict with LP Policy LP6(1).

Conclusion

15. For the reasons set out above, the appeal is dismissed

R. Jones

INSPECTOR