



Appeal Decision

Site visit made on 7 January 2021

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/E5900/W/20/3258362 590-592 Roman Road, London E3 5ES

- 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 H Lieber against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/19/02760, dated 9 December 2019, was refused by notice dated 22 June 2020.
 - The development proposed is two storey extension with mansard roof to rear and second storey mansard roof extension and new shopfront to frontage of 592 Roman Road to form 6 flats (two exist at present).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site received permission in 2018 (ref: PA/18/00476) for the erection of a 2 storey rear extension and second floor mansard roof to form 4 flats. The approved unit mix was 2 studio flats and 2 x 2 bed flats.
3. The development plan includes the Tower Hamlets Local Plan 2031, adopted in 2020. The appellant has indicated that the Council has referred to policies D.DH2 and D.DH3 in its reasons for refusal. I agree with the appellant that there is an error, and I have based my decision on the intended policies of D.H2 and D.H3.

Main Issues

4. The Council has raised no objections to the appeal proposal in respect of external design or impact on the Roman Road Market Conservation Area, or in terms of harm to the living conditions of neighbours. I see no reason to disagree. The proposal is similar in external design terms to that previously approved under ref: PA/18/00476 and would preserve the character and appearance of the conservation area. Therefore, the main issues are:
 - the effect of the proposal on the living conditions of future occupants of the proposed two 2 bedroom units in respect of received light, outlook, and amenity space;
 - whether the mix of unit sizes would assist in providing mixed, balanced, and stable communities, and

- whether there would be sufficient provision of cycle storage and waste storage facilities.

Reasons

Effect on living conditions

5. The two proposed 2 bedroom units would meet the minimum floor space requirements. However, one bedroom in each unit would have small windows facing directly on to a high wall at close range, and hence no significant outlook. The poor outlook would create an undue sense of enclosure, making the bedrooms feel oppressive for future occupants.
6. The appellant considers that the two bedrooms would have the benefit of both natural ventilation and outlook to the lightwell from their vertical windows. The appellant also points out that, in the case of unit 4, the bedroom would have the benefit of additional sunlight/daylight from the proposed rooflight. Although a daylight report was submitted with the application, I note that this concerned the previously approved proposal and did not address the issue of daylight or sunlight received by the 2 proposed two bedroom units.
7. The four studio units would all benefit from a private balcony to the rear. As the appellant indicates it would not be appropriate to provide balconies for the other two units at the front elevation of the building. The appellant has suggested that the majority of flats in the locality do not have private outdoor amenity space and that is the case with the existing one and three bed units on-site. However, I consider that it is reasonable to expect the proposed flats to meet modern standards for outdoor amenity space for day-to day living. The occupants of the flats would be able to use local public green spaces, but that would not compensate for the lack of immediate access to amenity space.
8. The appellant considers that a balance should be struck between the quality of the unit overall and whether sufficient outlook and daylighting can be enjoyed by the property as a whole. However, I consider that the standard of accommodation would be deficient for the two proposed 2 bedroom units because of the lack of any significant outlook from one of the bedrooms in each unit and absence of amenity space. It is also likely that the first floor two bedroom unit would have a low level of received daylight. The harm to the living conditions of future occupants of the two 2 bedroom units would not be outweighed by any other benefits from the quality of the proposed development overall. The proposal would therefore conflict with Local Plan policy D.H3 which concerns housing standards and amenity.

Mix of unit size

9. The appellant has drawn my attention to policy H12 of the emerging London Plan. However, that policy has been re-numbered as policy H10 of the Intend to Publish London Plan and the clause in policy H12 stating that: "*Boroughs should not set prescriptive area-wide dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes*" has been deleted from policy H10.
10. Local Plan policy D.H2 requires a mix of unit sizes for market housing of 30% 1 bed, 50% 2 bed and 20% 3 bed. Studio units are not referred to in the policy but, as the Council has indicated, they are the least flexible unit type. Policy H12 of the Intend to Publish London Plan also refers to one-person and one-

bed units being the least flexible, so schemes should generally consist of a range of unit sizes. The appellant submits that the existing permission, which includes two studio flats, and two 2-bed flats is a material consideration. There would still be two 2-bed flats in the appeal proposal, which the appellant considers is the greatest unit size needed locally. I acknowledge the indication in the supporting text for Local Plan policy D.H2 that greater unit mix flexibility may be applied to the market tenure mix, and the appellant's view that the proposal would provide a more affordable option for people, helping to free up family housing in an area with good transport connections, and access to local amenities. The appellant believes that the proposal reflects the site context of a small-scale close knit built character with primary retail frontage. However, these matters are insufficient to provide compelling reasons to support a proposal which fails to meet the Council's housing mix criteria.

11. I find that the proposed 4 studio units would represent a significant conflict with the requirements of Local Plan policy D.H2 and would not assist in providing mixed, balanced, and stable communities in the Borough.

Cycle and waste storage facilities

12. The Council's standard for cycle storage requires 1 space per studio and 2 spaces per 2 bed flat. On that basis 8 spaces would be necessary. Only four spaces were originally proposed, and they would be located in an area alongside the proposed entrance to the flats marked as "Bins and cycle storage". Since the Council's decision the appellant has submitted a plan dated 15 July 2020 which indicates 6 cycle spaces and details of waste bins. The appellant has also indicated willingness to provide a commuted sum towards the provision of any additional cycle parking that cannot be accommodated within the building, on the nearby public highway. I must determine this appeal on the basis of the drawings refused by the Council, and details of any approved on-street cycle spaces or agreement in respect of a commuted sum have not been included in the submitted proposals. I note that the appellant had invited discussion with the Council should it consider that the proposed cycle storage facilities were inadequate. In view of the flexibility provided by criterion E of the Intend to Publish London Plan policy T5, I consider that would be possible to resolve this matter through agreement with the Council. In such circumstances the proposal would be capable of meeting the requirements of Local Plan policy D.TR3 and Intend to Publish London Plan policy T5.
13. It has not been demonstrated that the waste storage facility would be of a capacity to meet the resultant demand. Locating cycle storage and waste facilities together could also create difficulties in use. The appellant has indicated that Local Plan policy D.MW3 and reference to Appendix 4 of the Local Plan is only for the case of major developments. Waste facilities will also be provided for each individual flat as well as the proposed communal storage. However, Part 1 of the policy requires that all new development must include sufficient accessible space to separate and store waste for collection, both within individual units and for the building as a whole. Moreover, the Council's Waste Team considers that there is inadequate provision of waste storage to serve the development and the site and spacing arrangements are not capable of accommodating waste facilities for the two additional flats proposed. The proposal would therefore provide insufficient storage facilities for waste and would conflict with Local Plan policy DMW3.

Conclusion

14. The proposal would result in no significant harm to the character or appearance of the conservation area or to the living conditions of neighbours. There would be benefit from the provision of additional housing accommodation. However, this benefit would not outweigh the harm from the proposal to the living conditions of future occupants of the proposed two 2-bed flats, and conflict with development plan policies regarding housing mix and waste storage facilities, which I have identified above.
15. I have taken all other matters raised into account. For the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR