



Appeal Decision

Site visit made on 26 April 2021

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/E5900/W/20/3261002

Flat 20, Grove Dwellings, Adelina Grove, London E1 3AE

- 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 F Rahman against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/01464, dated 9 July 2020, was refused by notice dated 3 September 2020.
 - The development proposed is a conversion of a 4 bedroom maisonette into 1 x 2-bedroom flat on ground floor and 1 x 3-bedroom flat on first floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The 2021 London Plan¹ was published after this appeal was lodged but prior to its determination. Consequently, I contacted the Council and the appellant and sought their comments in relation to the publication and this appeal. I have had regard to any responses provided.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of future occupiers, with particular regard to internal space and access to private outdoor space.

Reasons

4. The appeal property is a 4-bedroomed maisonette, at the southern end of a traditional, 3-storey brick tenement block and occupying the ground and first floors. To the front of the tenement building is a communal landscaped area, which also serves a similar tenement block to the east, and which provides pedestrian access from both blocks to Adelina Grove to the north. To the rear of the appeal tenement is a much narrower alleyway, which the dwellings have shared access to, and which is used for bin and cycle storage. The alley also provides access to Adelina Grove via a solid metal gate.
5. The proposed development would entail the conversion of the maisonette into two separate flats, a 2-bedroomed ground floor flat and a 3-bedroomed first floor flat. The proposed flats would share the existing entrance, which connects, via a communal area, through to the rear alleyway, where bin and cycle storage areas are proposed.

¹ Spatial Development Strategy for Greater London March 2021

6. The appellant states that the maisonette was previously two separate flats and that the appeal proposal is to reinstate this arrangement. However, no evidence has been provided to support the previous use of the property in this way.
7. I note from the Council's officer report that the proposed first floor flat would have three bedrooms, could be occupied by four people, and would have a floor area of 65sqm. The appellant has not provided alternative floorspace or occupancy figures for the first floor flat but states that the floorplan would comply with the Technical Housing Standards². There is no compelling evidence to support the appellant's statement in this regard.
8. The Technical Housing Standards state that a 3-bedroom, 4-person single-storey flat should have a minimum gross internal floor area of 74sqm. The proposed first floor flat would, therefore, be significantly smaller than required.
9. Policy 3.5 of the 2016 version of the London Plan³ has the same floorspace requirement. However, this Policy is no longer part of the development plan and so I have not had regard to it with reference to S38(6) of the Planning and Compulsory Purchase Act 2004 as amended. The Council makes reference to a 'Policy D6' contained within the recently published 2021 London Plan. However, this policy is not in the evidence before me and so I can have only very limited and non-determinative regard to it.
10. Nevertheless, the proposed floorplan shows a constrained and somewhat awkward layout for the first floor flat in particular. Two of the bedrooms would have narrow entrance corridors reducing their usable space further, whilst the layout of the third and smallest bedroom would be somewhat cramped.
11. Notwithstanding the appellant's comments about room dimensions, including relative to the proposed 2-bedroomed ground floor flat, and the existing second floor flat (for which no details have been provided), I am not satisfied that the proposed first floor flat would provide an adequate quantum or layout of living space.
12. The appellant has confirmed that neither of the flats would have private outdoor amenity space. Instead, they would share the rear alleyway area with the top floor flat. This is not a large space, particularly for the occupiers of three dwellings, which would be an intensification of its current use. The shared nature of the alleyway means that it is manifestly not a private outdoor space. Whilst there is a further communal area to the front of the appeal property, the proposed properties would not have access to any private outdoor space.
13. Whilst the proposal would increase the housing stock of Tower Hamlets, the size, design, and layout of the proposed first floor flat would mean a substandard level of accommodation. This contrasts with the existing maisonette which, whilst similarly not having access to private outdoor amenity space, provides otherwise acceptable levels of internal space suitable for a family to use, and which would be lost as a result of the proposal.
14. For these reasons the proposed development would cause unacceptable harm to the living conditions of future occupiers, with particular regard to internal

² Whilst not specified by the appellant, I have taken these to be the Government's *Technical Housing Standards – nationally described space standards* published in March 2015, referenced by the Council on its Decision Notice.

³ The Spatial Development Strategy for London consolidated with alterations since 2011, published in March 2016.

space and access to private outdoor space. It would, therefore, conflict with Policies D.H2 (affordable housing and housing mix) and D.H3 (housing standards and quality) of the Tower Hamlets Local Plan 2031, and with the Technical Housing Standards March 2015.

Other Matters

15. The shared outdoor amenity space to the rear would be adjacent to windows and a doorway serving habitable rooms in the proposed ground floor flat. Had I found the proposal to be otherwise acceptable I would need to consider the impact this would have on the privacy of the future ground floor occupiers. However, as I have found the proposal to be unacceptable for other reasons, I do not need to consider this matter further.

Conclusion

16. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR