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# Appeal Decision

Site visit made on 4 May 2021

**by P B Jarvis BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 June 2021**

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**Appeal Ref: APP/W5780/W/20/3255352**

**4 Daniel Mews, Newbury Park, Ilford IG2 7FF**

- 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 L Daniels against the decision of the Council of the London Borough of Redbridge.
  - The application Ref 1247/20, dated 28 April 2020, was refused by notice dated 24 June 2020.
  - The development proposed is retrospective planning for retention of first floor flat.
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## Procedural Matters

1. The Council amended the description to “change of use of first floor from storage into one self-contained flat (C3), retrospective”. This more accurately describes the development that has already taken place and for which retrospective permission is sought.
2. Since the appeal was lodged the relevant policies of the development plan have changed in that The London Plan 2021 (LP2021) was adopted in March 2021. I therefore refer to the relevant policies of that new plan.

## Decision

3. The appeal is dismissed.

## Main Issues

4. The main issues are (a) loss of employment land, (b) the effect on character and appearance, (c) whether an acceptable living environment is provided and (d) provision of bin/recycling storage and cycle parking.

## Reasons

5. The appeal site comprises the first floor of a two-storey storage building accessed via a separate pedestrian entrance in the front elevation. The building is located at the end of a private service road to the rear of a local parade of retail and commercial premises. Residential properties lie to the south along Holland Park Avenue and the service road appears to provide access to a number of outbuildings associated with properties either side.

### *Loss of employment land*

6. Policy LP14 of the Redbridge Local Plan 2015-2030 (2018) (LP) states that unless identified as an Opportunity Site (which the appeal site is not) proposals for alternative uses on non-designated employment land should demonstrate that the continued business activity would conflict with the character,

appearance and amenity of the locality, that the premises have been vacant for over twelve months following active marketing and has no reasonable prospect of being occupied for another business use and should include compatible modern fit for purpose employment uses, such as live/work units.

7. The appellant has confirmed that the premises had been vacant for over twelve months before conversion to residential but no evidence of any marketing prior to that nor any explanation of why the building could not continue in business use or as a suitable related employment use has been provided. In terms of the first element of LP policy LP14, it seems to me that it would be quite difficult to demonstrate that the continued storage use would conflict with the character of the area given its current mixed use whereby commercial and residential uses are already in close proximity, but nevertheless, the appellant has not provided any such evidence either.
8. I therefore find that, for the reasons set out above, the development has resulted in the unjustified loss of non-designated employment land, contrary to LP policy LP14 and the spatial strategy within policy LP1 .

#### *Character and appearance*

9. Daniel Mews is a narrow tarmaced road with separate marked footway for pedestrians. Its main purpose is to provide access to the rear entrances of the properties along the parade and to a number of outbuildings related to the nearby commercial uses and the residential garages and outbuildings located along the southern side.
10. Whilst the appeal site appears to contain the only residential property which directly fronts the private road, some of the upper floors of the shops in the parade appeared to be in residential use, with entrances to the rear off the service road. Therefore, the area is of mixed use and character comprising commercial and residential properties in close proximity, with outbuildings fronting the service road being part of that character.
11. The building itself is not changed in terms of its form and size and therefore the use does not result in any material visual change to the area.
12. I therefore consider that use of the building for a residential use is not in principle out of keeping with the established mixed character, appearance and pattern of development. It therefore complies with LP Policy LP26 in this regard which seeks to ensure that development respects local character and the layout of buildings and surrounding streets.

#### *Living Environment*

13. At the time of the site visit I was able to inspect the premises internally and I saw that the flat was reasonably spacious and of high quality finish. However, I note that the second bedroom is below the relevant size standard as referred to in LP2021 policy D6 which states that dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1. It also states that a one bedspace single bedroom must have a floor area of at least 7.5 sqm. and be at least 2.15m wide. In respect of private outdoor space, a minimum of 5sqm. should be provided.
14. The second bedroom is indicated to be 6.7 sqm. and is therefore below the minimum standard required by policy. Internal storage areas would also be

required. There is no external amenity space, either external to the building itself or in the form of a balcony. Whilst there is a park within reasonable walking distance, this does not provide the type of private space that is required by policy. The flat therefore provides a sub-standard living environment in this regard.

15. In terms the impact on adjoining properties, I consider that the position of windows to serve the rooms within the flat, which provide adequate internal light, do not result in any unacceptable overlooking or loss of privacy. Those in the front elevation face towards the service road and those in the rear overlook the parking area located to the rear of the adjoining commercial building, which is a banqueting venue. No private spaces are therefore affected.
16. In terms of natural surveillance, I note that Daniel Mews itself does not provide the main access for the properties either side. Nevertheless, there did appear to be a reasonable level of activity at the time of my site visit related to deliveries and servicing of the units in the shopping parade. In addition, the service road is relatively short and straight with a direct view along it possible from Silverdale Road. The appellant suggests that CCTV could also be installed which could be secured via condition, and overall, on this basis, I consider that a safe and secure environment would be provided.
17. The Council has also referred to LP2021 policy D7 which seeks to ensure that accessible housing is provided to provide genuine choice. However, this policy is to be applied in the context of the particular site circumstances and it seems to me that a condition could be applied as necessary to require any suitable and practical improvements.
18. Overall, however, for the reasons set out, I find that the development does not provide a suitable living environment, with shortcomings in respect of internal bedroom space and external private amenity space. It therefore fails to comply with LP2021 policy D6 and with LP policies LP26 and 29 which seeks high standards of accommodation for housing in terms of, amongst other things, internal space and external private amenity space.

*Refuse / recycling storage and secure cycle parking*

19. The building on the appeal site fronts directly onto the private road and there is no space to the side or rear of the building. As such, bins are located to the front of the building as is a common arrangement with many of the adjoining properties. Given the size of bins that are likely to be required, it seems to me that these could be similarly accommodated.
20. In terms of cycle parking, LP2021 policy T5 sets out the minimum standards required, which for the development is two spaces. The area to the front of the building on the appeal site which is at the end of the private road is not included in the site area and it is unclear whether the appellant has any control over it. Unlike the space for bin stores, there does not appear to be an area which could easily accommodate the cycle spaces required, even if it could be used for that purpose. The internal layout of the flat does not provide any space within the ground floor entrance to store a cycle. Whilst the appellant states that a cycle store will be provided, on the basis of the information put forward, it is difficult to see where such suitable, secure cycle parking would be located. A condition to secure its provision is therefore not appropriate. I therefore find that the development does not provide for suitable cycle parking

and in that respect conflicts with the above policy and with LP policy LP23 which also seeks to ensure that development provides sufficient secure cycle parking in accordance with the LP2021.

### **Other Matters**

21. The development provides a useful small unit of residential accommodation which in my view would be in a suitable and accessible location. Whilst the policies of LP2021 which seek to optimise the provision of housing on brownfield sites, this should be secured through a design led approach that ensures high quality living environments. Overall, whilst the development would contribute to the supply of housing locally, this benefit is not sufficient to outweigh the harms identified above.
22. The Council has clarified that the site lies within the Zone of Influence of the Epping Forest Special Area of Conservation, though this issue did not form the basis of a specific reason for refusal. The impact of the development could be mitigated by a financial contribution in accordance with the details provided. However, given my findings above, there is no need to consider this matter further.

### **Conclusions**

23. Overall, for the reasons set out, I conclude that this appeal should be dismissed.

*P Jarvis*

INSPECTOR