



Appeal Decision

Site visit made on 21 June 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/W5780/W/21/3267646

82 Aldersbrook Road, London E12 5DH

- 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 Razi Rashid against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3134/20, dated 30 September 2020, was refused by notice dated 4 December 2020.
 - The development proposed is the conversion of the single dwellinghouse into two self-contained flats – internal alterations only.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the single dwellinghouse into two self-contained flats – internal alterations only, at 82 Aldersbrook Road, London E12 5DH in accordance with the terms of the application Ref 3134/20, dated 30 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: site plan at 1:1250 scale, block plan at 1:200 scale, existing ground floor plan, existing first/loft floor plan, proposed ground floor plan, proposed first floor/loft floor plan, and the elevations plan.
 - 2) Prior to the flats' first occupation, car parking, sheltered and secure cycle parking, and refuse storage, for each unit shall be provided in accordance with details which shall be first submitted to, and approved in writing by, the local planning authority. Those areas and facilities shall be retained thereafter in accordance with the approved details.

Procedural Matters

2. The appeal property ('No 82') is in the process of being converted into two flats. However, as the works are not yet complete and the flats are not occupied, I have not treated the scheme as a retrospective development.
3. No 82 has three ground floor windows in its north-western flank. The appellant acknowledges that these are not depicted on the drawings, but states that they would be retained and that they would serve the front and middle bedroom of the proposed ground floor flat. Consequently, and as the description of the proposal refers to internal alterations only, I have dealt with the scheme on the basis that those windows would be retained.

4. Finally, I observed on my visit that the submitted site plan is not up to date, and that there are additional houses and an access road to the side and to the rear of the plot, which I have taken into account in my decision.

Main Issues

5. The main issues are:

- the effect of the proposal on the supply of suitable accommodation in suitable locations to meet the borough's housing needs; and
- the effect of the proposal on the Epping Forest Special Area of Conservation.

Reasons

The supply of suitable accommodation

6. Amongst other things, the Redbridge Local Plan 2015-2030 (2018) ('RLP') sets out that an appropriate mix of housing should be achieved within the borough. As part of that approach, its policy LP6 supports the conversion of larger homes into smaller self-contained units where various criteria are satisfied. Those include, at part (a), that the property is within a metropolitan, district or local centre. As No 82 is not within a centre, the proposal would fail to satisfy that requirement.
7. However, the existing dwelling is a particularly large property spread over three floors, with numerous rooms. Even following its conversion, it would continue to provide very spacious accommodation, with the ground floor flat having three bedrooms and use of the building's large rear garden; and the flat above having four bedrooms. The parties agree that the flats would have a gross internal floor area of approximately 177sqm and 165sqm respectively. The scheme would not therefore result in the loss of a larger home suitable for use as family accommodation.
8. The Council acknowledges that there are some permitted flat conversions on Aldersbrook Road, but I observed that the area predominantly comprises individual dwellings. Nevertheless, given the size and layout of the proposed accommodation, and as no external alterations to the building or to its garden are proposed, the scheme would not detract from the area's character and appearance, and the resultant development would still be low density.
9. Consequently, whilst the site is not within a centre, the scheme would make a modest contribution to addressing the borough's housing needs, and it would provide suitable accommodation in a suitable location.
10. The scheme would not therefore conflict with RLP Policy LP5 which, in broad terms, aims to secure a range of homes, with a particular focus on larger family homes of three or more bedrooms; nor with RLP Policy LP26 which addresses the need for high quality design which respects local character.
11. From the available information it is not entirely clear what the objective of part (a) of RLP Policy LP6 is. In any event the scheme would not conflict with the broad thrust of that policy which seeks to restrict the loss of family sized accommodation, in order to meet the needs of different groups within the borough, as identified in the Redbridge Housing Strategy 2017-22.

The Epping Forest Special Area of Conservation

12. Although this issue is not cited in the decision notice, or referenced in the officer report, in its appeal statement the Council states that a financial contribution of £120, by means of a unilateral undertaking, is required to secure mitigation to prevent an adverse effect on the Epping Forest Special Area of Conservation ('SAC').
13. No such obligation is before me. However, I have not been provided with any detailed evidence, such as the alleged impact of the proposal on the SAC, how the proposed contribution was calculated, or how and where it would be spent. Additionally, I have not been referred to a relevant development plan policy.
14. Accordingly, I cannot be certain that the contribution sought would be necessary to make the development acceptable, or that it would be directly related to the development, and fairly and reasonably related in scale and kind.
15. Consequently, I am unable to conclude that a planning obligation seeking to provide this contribution would comply with the tests at paragraph 56 of the National Planning Policy Framework ('Framework'). In these circumstances, the absence of a planning obligation does not weigh against the development.

Other matters

16. I have no reason to disagree with the Council that there is space to the front of the property for the provision of two car parking spaces. Whilst local residents refer to car parking pressures in the area, cycle storage facilities could be secured by means of a condition, and given the site's proximity to a small shopping parade and to bus routes, this is not a location where the occupants would need to be reliant on the private car to meet their day-to-day needs.
17. Given that conclusion, and as the building's conversion would result in just one additional unit, I am satisfied that the proposal would not pose a significant risk to highway safety.
18. There is no proposal to subdivide the existing rear garden, and no external alterations to the building are proposed. Consequently, any outward manifestation of the proposed use would be minimal. Whilst it is unclear what the flats' tenure would be, for the above reasons the proposal would preserve the character and appearance of the Aldersbrook Conservation Area, and a harmful precedent would not be set. The matter of the property's replacement uPVC windows is not before me in this appeal.
19. Although the flat on the upper floors would not have a garden, given the size and layout of the proposed accommodation, and the presence of the Wanstead Flats open space opposite, the future occupants would experience good living conditions.
20. I have dealt with the appeal on the basis of the submitted scheme, and have disregarded speculation about alternative uses; and subject to appropriate conditions, I am satisfied that I have sufficient information to determine it.
21. Finally, I have concluded that the scheme would accord with the broad thrust of the development plan. However, even if I am wrong on that, according to the 2020 Housing Delivery Test results, the Council's housing delivery over the previous three years was below 75% of that required.

22. In such circumstances, in accordance with paragraph 11 d) of the Framework, permission should be granted unless its policies relating to the protection of areas or assets of particular importance provide a clear reason for refusal; or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework's policies taken as a whole.
23. The scheme would make a modest contribution to the Framework's objective of boosting the supply of housing, and as neither of the above scenarios applies here, the scheme benefits from its presumption in favour of sustainable development.

Conditions and Conclusion

24. Summing up against the development plan, I conclude that the scheme would not harm the supply of suitable accommodation in suitable locations, to meet the borough's housing needs. On the basis of the available evidence, I am also unable to conclude what the impact on the SAC would be, and whether the requested obligation would meet the relevant policy tests.
25. Turning to the Framework, the scheme would make a modest net contribution to housing supply in a borough which has failed to deliver sufficient housing over the previous three years, and its presumption in favour applies.
26. For these reasons the appeal will be allowed.
27. Turning to the matter of conditions, as a start on the development has already been made, the standard time limit for commencement is unnecessary. In the interests of certainty, I have however imposed a condition requiring that the development be carried out in accordance with the approved plans.
28. Additionally, a condition is necessary requiring the provision of car parking, along with bicycle and bin storage areas, prior to the first occupation of the flats, in the interests of sustainable transport and appropriate service provision.
29. Finally, as I have dealt with the proposal on the basis that internal alterations only are proposed, the Council's fourth suggested condition requiring the submission of fenestration details to ensure appropriate living conditions is unnecessary.
30. For the above reasons, having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR