



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: 02 July 2021

Appeal Ref: APP/W5780/W/21/3266612

10 Swindon Close, Seven Kings, Ilford IG3 8BQ

- 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 A Rayrella against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3356/20, dated 8 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is described as 'change of use of single dwellinghouse to two flats (part retrospective)'.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the single dwellinghouse to two flats at 10 Swindon Close, Seven Kings, Ilford IG3 8BQ, in accordance with the terms of the application Ref 3356/20, dated 8 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 398/E00, E01, E02, E03, E04, E05, P01, P02, P03, P04 and P05.
 - 3) Prior to the first occupation of the development hereby permitted, four secure, sheltered bicycle parking spaces shall be provided on the site, and shall thereafter be retained.

Procedural Matter

2. The appeal property is currently divided into two flats, and according to the appellant has been so for over 10 years, but does not have planning permission for such a use. Additionally, as depicted on drawing nos. 398/E01 and 398/P01, the proposed layout differs from the existing configuration as the first floor flat would have one, rather than two, bedrooms.
3. Consequently, I have dealt with the appeal as a proposed change of use, rather than a retrospective scheme.

Main Issues

4. 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;

- whether the proposal would provide appropriate living conditions for the occupants of the first floor flat; and
- the effect of the proposal on the Epping Forest Special Area of Conservation.

Reasons

Housing needs

5. Amongst other things, Redbridge Local Plan 2015-2030 (2018) ('RLP') Policy LP5 aims to secure a range of homes, but with a priority on larger family units of three or more bedrooms. That approach is in line with the findings of the Outer North East London Strategic Housing Market Assessment 2016 which identifies a need for larger homes within this borough, which has the second highest average household size in England and Wales.
6. In accordance with that stance, RLP Policy LP6 Part 1 only supports the conversion of larger homes into smaller self-contained units where various criteria are satisfied. Those criteria include at (a) that it is within a metropolitan, district or local centre; at (b) that its gross floor area exceeds 130sqm; at (e) that it complies with the national space standards; and at (f) that a three bedroom family sized home is provided at ground floor.
7. As the property is not within a centre, it fails to satisfy criteria (a). However, it is very close to the Seven Kings Local Centre, which is about 50 metres away. Given its proximity to that local centre and to public transport, the property is in an accessible location very close to services and amenities.
8. Whilst the immediate context is primarily characterised by terraced, single family dwellings, there are a range of other uses and other forms of development nearby. As a result of this scheme, the site's appearance would barely change. Additionally, compared to a three bedroom dwelling, I am not persuaded that there would be a significant increase in comings and goings; and any additional waste storage and parking requirements in this location would be minimal. The prevailing pattern of development would not alter, and the scheme's impact on the character and appearance of the area would be very limited.
9. For similar reasons, and given that I have no evidence before me that the property's longstanding use as flats has resulted in complaints, I agree with the Council that the scheme's impact on neighbouring living conditions would not be harmful.
10. As the property has an internal floor area of around 109sqm, the scheme fails to satisfy criteria (b); and it would not provide a family sized home at ground floor as required by (f). However, as pointed out by the appellant, and as confirmed by observations on my visit, the Seven Kings Local Centre has a tightly developed commercial character, which I have no reason to doubt is typical of many centres within the borough. Given that character, it is hard to envisage the circumstances in which Policy LP6 Part 1 (a), (b) and (f) could all be satisfied to provide this type of lower cost accommodation.
11. Turning to criteria (e), the Council notes that the flats' internal areas would accord with the DCLG Technical Housing Standards – nationally described space standard 2015. Whilst it has concerns regarding the lack of an

appropriate amenity space for the first floor flat, I have dealt with this as a separate issue.

12. Summing up, the scheme would contribute to RLP Policy LP5's aim of providing a range of homes and would provide lower cost accommodation. Additionally, considering the combined impact of all of RLP Policy LP6's criteria it is difficult to envisage the circumstances in which larger homes could be converted to provide such accommodation.
13. Nevertheless, as it would result in the loss of a family sized dwelling, for which there is a significant need within the borough, the scheme would fail to fully satisfy RLP Policy LP6.

Living conditions

14. Both flats would be dual aspect and appropriately stacked, and would provide sufficient internal space for their occupants. However, in order to provide suitable living conditions, RLP Policies LP26 and LP29 also seek suitable private external amenity space, with the latter policy requiring a minimum of 5sqm of 'fit for purpose' space for new flatted development.
15. In this case, the occupant of the proposed ground floor flat would have use of the rear garden, whilst those in the first floor flat would have access to the small yard to the front of the building, along with the garage which could provide a space to store external items, including chairs and bicycles.
16. That front yard is small, but would provide an area to sit outside which would appear to broadly comply with Policy LP29's quantitative standard. However, whilst it would be largely enclosed to three sides, as it would be adjacent to the flats' entrance and to the ground floor kitchen, it would not be very private.
17. There is a communal grass bank opposite the site, and public open space at South Park which the occupants of both flats could use. Nevertheless, on this issue, and for the above reasons, there would be a limited conflict with RLP Policies LP26 and LP29, and with paragraph 127 of the National Planning Policy Framework ('Framework') which seeks to ensure that occupants experience a high standard of amenity.

The effect on the Epping Forest Special Area of Conservation

18. In its third reason for refusal the Council states that, in the absence of appropriate mitigation, the scheme would have an unacceptable impact on the Epping Forest Special Area of Conservation ('SAC'). In its officer report it sets out that a screening assessment would be carried out to assess the impact on the SAC and that a fee of £30 (plus £90 monitoring) would be payable.
19. It is unclear from the Council's evidence what mechanism it proposes to secure that contribution. However, the appellant states that a condition requiring a scheme to remedy or address any impact on the SAC would address this issue.
20. I have very limited, if any, information before me regarding what the alleged impact of the proposal on the SAC would be, how the proposed contribution was calculated, and how it would be spent. Having regard to the tests at Framework paragraph 55, I cannot therefore be certain that such a condition would be necessary or relevant to the proposed development.

21. Additionally, applying the tests at paragraph 56 of the Framework, I cannot be certain that a planning obligation would be necessary to make the development acceptable in planning terms, or that it would be directly related to the development, and fairly and reasonably related to it in scale and kind.
22. Consequently, on the basis of the information available to me, the absence of a planning obligation does not weigh against the development, and I cannot conclude that the scheme would conflict with RLP Policy LP39 which, in broad terms, seeks to protect the natural environment and to prevent development which would adversely affect the integrity of the SAC.

Other matters

23. In its favour, the scheme would make an effective and efficient use of this site, which is in an accessible location, and would make a net contribution of one unit towards housing delivery. In those regards it accords with RLP Policy LP2, and with paragraph 59 of the Framework which seeks to significantly boost the supply of housing.
24. According to the 2020 Housing Delivery Test results, the Council's housing delivery over the previous three years was well below 75% of that required. 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.

Conditions and Conclusion

25. Summing up, whilst the scheme would contribute to the supply of lower cost accommodation, there would be a limited conflict with RLP Policy LP6 as, compared to the permitted use, it would result in the loss of family sized accommodation. Additionally, there would be a modest conflict with the development plan and the Framework as a result of limited privacy in the first floor flat's outdoor amenity space.
26. However, I am unable to conclude that the requested mitigation to prevent unacceptable impacts on the SAC is necessary.
27. In its favour, the scheme would make a contribution to housing supply in an accessible location. Whilst that contribution would be modest, this is nonetheless significant in a borough which is failing to deliver sufficient housing. The adverse impacts of granting permission would not significantly and demonstrably outweigh this benefit when assessed against the Framework's policies taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development.
28. Notwithstanding the limited conflict with the development plan, this is a material consideration which weighs heavily in favour of the proposal, and the appeal will therefore be allowed.
29. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. In addition to the standard time limit condition, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.

30. In the interests of promoting sustainable transport, a condition is necessary requiring the provision of bicycle parking facilities. Turning to the Council's fourth suggested condition, having regard to the description of the proposal and my condition no 2, this is unnecessary.
31. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR