



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/21/3267504

15 Christchurch Road, Ilford IG1 4QY

- 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 Kulwant Bhogal against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2672/20, dated 21 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is the conversion of the single dwelling into 1 two bedroom four person, and 1 one bedroom two person, self contained flat.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the single dwelling into 1 two bedroom four person, and 1 one bedroom two person, self contained flat at 15 Christchurch Road, Ilford IG1 4QY in accordance with the terms of the application Ref 2672/20, dated 21 August 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: 3223/DJ/01, 02, 03, 04 and 05.
 - 3) Prior to the first occupation of the development, garden areas for each flat shall be provided in accordance with details to be first submitted to and approved in writing by the local planning authority. Those gardens shall thereafter be retained in accordance with those approved details.

Procedural Matters

2. I have been provided with proposed drawing no. 3223/DJ/03 Rev A. However, this drawing postdates the Council's decision notice, and the number of bedrooms depicted on it does not reflect the description of the proposed development. It is unclear why I have been provided with that drawing, and I have determined the appeal on the basis of the drawings upon which the Council made its decision.
3. On 19 January 2021 the Government published the 2020 Housing Delivery Test ('HDT') results. During the appeal process both main parties were given an opportunity to comment on that document.

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; and
 - the Epping Forest Special Area of Conservation.

Reasons

Housing needs

5. Policy LP5 of the Redbridge Local Plan 2015-2030 (2018) ('RLP') seeks to secure a range of homes to provide mixed communities, but prioritises the provision of larger family homes with 3 bedrooms or more. Its Policy LP6 sets out that the Council will only support the conversion of larger homes into smaller self-contained units where various criteria are satisfied. Those include at (a) that the property is within a metropolitan, district or local centre; and at (f) that the conversion provides at least one larger family sized home of three or more bedrooms on the ground floor.
6. In support of its decision, the Council cites the Outer North East London Strategic Housing Market Assessment 2016 which identifies a significant need for family sized housing within the borough, and states that it has the joint second highest average household size in England and Wales.
7. The scheme would involve the conversion of the existing three bedroom dwelling into a two bedroom unit at ground floor, and a one bedroom unit above. As the site is not within a centre, and as two smaller units are proposed, neither of which would provide 'family sized' accommodation, the scheme would conflict with RLP Policy LP6 criteria (a) and (f).
8. I agree with the parties that the flats would have sufficient internal space; and I have no reason to disagree with the appellant that appropriate parking, refuse storage, and outdoor amenity space could be provided. Additionally, given the limited scale of the proposal, and the few alterations proposed, I am satisfied that the area's character, and the prevailing pattern of development, would not be harmed.
9. Given the limited scale of the scheme, and the proposed number of occupants, reasonable use of the property as two flats would not give rise to significantly increased noise and activity, or a harmful impact on neighbouring residents.
10. However, neither the appellant's letter dated 20 January 2021, nor his Design and Access Statement, address the matter of housing need. For the above reasons, whilst the scheme would accord with the general thrust of RLP Policy LP5, on the basis of the evidence before me, as it would result in the loss of a family sized dwelling, it would conflict with RLP Policy LP6.

The effect on the Epping Forest Special Area of Conservation

11. In its second reason for refusal the Council maintains that the scheme would have an unacceptable impact on the Epping Forest Special Area of Conservation ('SAC'). In its appeal statement it sets out that as the site falls within 6.2km of the SAC, in accordance with RLP Policy LP39, a financial contribution would be required towards strategic off-site mitigation measures.

12. As an appendix to its statement, it has provided a letter stating that £30 (plus a £90 monitoring fee) is required to mitigate the impact of the proposed development in accordance with the Epping Forest Special Area of Conservation Mitigation Strategy. The letter states that the requested contribution meets the tests for obligations as set out at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
13. No planning obligation is before me. However, I have not been provided with the above Mitigation Strategy, nor 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.
14. Accordingly, I cannot be certain that the requested contribution would be necessary to make the development acceptable, or that it would be directly related to the development, and fairly and reasonably related to it in scale and kind. I am therefore unable to conclude that a planning obligation would comply with the tests at paragraph 56 of the National Planning Policy Framework ('Framework'). In these circumstances, its absence does not weigh against the development.
15. On the basis of the limited evidence before me, I cannot conclude that the scheme would conflict with RLP Policy LP39. Although the Council's decision notice refers to RLP Policies LP33 and LP38, as these seek to conserve heritage assets and to protect trees and enhance the landscape, they are of limited, if any, relevance on this issue.

Other matters

16. Whilst the appellant states that the property has been empty, I have no cogent evidence in support of his claim that it is not attractive for occupation as a single dwelling house.
17. However, in its favour, the scheme would provide an extra unit of accommodation in a location with a PTAL rating of 3, and which is reasonably close to services and amenities. In those regards it accords with RLP Policy LP2 which seeks to deliver housing growth, and with the objective of Framework paragraph 59 which aims to significantly boost the supply of housing.
18. According to the HDT, 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

19. Summing up, there would be a limited conflict with the development plan as the scheme would result in the loss of family sized accommodation. However, I am unable to conclude that the requested mitigation to prevent unacceptable impacts on the SAC is necessary.
20. In its favour, the scheme would make a contribution to housing supply in a reasonably accessible location. Whilst the net contribution of one unit would be modest, this is nonetheless a significant benefit 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 Framework's presumption in favour of sustainable development therefore applies.

21. 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.
22. I have considered the suggested conditions against the Framework's tests. I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
23. Turning to the Council's third suggested condition which seeks to prevent the creation of additional units of accommodation, this is unnecessary given the description of the proposal and the requirements of my condition no. 2.
24. The garden for proposed flat 15B could be accessed from a side passage, which leads to the garden of flat 15A. As it appeared from my visit that 15A's proposed garden is largely covered by an outbuilding, in the interests of ensuring appropriate living conditions, I have imposed a condition, broadly as suggested in the Council's officer report, requiring details of the proposed garden to be submitted.
25. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR