
Appeal Decision

Site visit made on 29 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/G5750/W/21/3272456

7 Reginald Road, Forest Gate, London E7 9HS

- 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 P. K. Pabial against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/01896/FUL, dated 1 September 2020, was refused by notice dated 8 February 2021.
 - The development proposed is demolition of existing conservatory and conversion of property into 1 bedroom flat on ground floor and 1 bedroom flat on first floor.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The new London Plan 2021 (LP2021) was published on 2 March 2021. It replaces previous versions of the London Plan and can be given full weight. In terms of policies relevant to this appeal, there have been no material changes in LP2021 from those contained in the Intend to Publish (December 2019) and Publication (December 2020) versions of the plan. No party has been prejudiced by me proceeding with the appeal in light of this change in policy.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the supply of family-sized dwellings in the Borough.
 - Whether the proposed development would provide acceptable living conditions for future occupiers.

Reasons

Supply of family-sized dwellings

4. The appeal property is a 2 storey end-of-terrace building located adjacent to the junction of Reginald Road and Stork Road in a predominantly residential area comprising terraced housing. The information before me shows that the appeal property has in the past been used as a ground floor shop with a 1 bedroom flat located above. Furthermore, there was a previous planning

permission granted in 1993¹ for the conversion of the ground floor flat into a flat, however this was not implemented. Nevertheless, the existing floor plans show that the current use of the property is a 3-bedroom house and the Council states that Council Tax records indicate the property has operated as a single dwellinghouse since at least 2003. Having regard to the evidence before me, I have considered the proposal on the basis that the existing property is a 3-bedroom dwelling.

5. The proposal seeks to subdivide the existing 3-bedroom dwelling into a 1-bedroom flat on the ground floor and a 1-bedroom flat on the first floor, which would not provide family accommodation. Policy H1 of the Newham Local Plan 2018 (the Local Plan) seeks to secure the delivery of a mix and balance of housing types, including a significant increase in family housing in the Borough. Furthermore, Local Plan Policy H4 states that all housing will be protected unless replaced with at least equivalent floorspace. It specifically protects 3-bed and 4+ bed family housing. Notwithstanding this, Policy H4 sets out that the conversion of 3+ bed housing may be appropriate subject to criteria set out in paragraph 2(a) and 2(b).
6. The proposed development would provide a net increase of one additional unit, which would make a small contribution towards the supply of housing. However, this would result in the loss of a 3-bedroom family dwelling for which there is an identified need in the Borough. The proposal would not meet either the locational or size criteria set out in Policy H4 2(a) and 2(b), and there is little before me to indicate that the existing dwelling is of poor quality or unsuitable for families. The benefit provided by an additional dwelling would be outweighed by the harm caused to the supply of family housing in the Borough, and the proposal would not support the strategic aims to secure quality, mixed and balanced communities.
7. I acknowledge that planning permission was granted in 1993 for the conversion of the ground floor shop into a flat, however I have determined the appeal scheme on its own merits having regard to the current site circumstances and development plan policy.
8. For the above reasons, I conclude that the proposed development would harmfully reduce the provision of family housing in the Borough. It would therefore conflict with Policies H1, H4, S1, S6, SP1 and SP3 of the Local Plan and Policies GG4 and H10 of the LP2021, which together broadly resist the loss of existing housing, and secure the delivery of a mix and balance of housing types, including family housing. It would also be contrary to paragraph 61 of the National Planning Policy Framework, which states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including families with children.

Living conditions

9. Whilst the first floor of the premises has been used as a flat in the past, the proposed conversion from a 3-bedroom dwelling into 2 no. flats must be considered against current development plan policies. The proposed first floor flat would have a floor area of 50 square metres, which meets the minimum internal space standards set out in Table 3.1 of the LP2021. It would also benefit from adequate natural lighting and outlook. Nevertheless, the proposed

¹ Council reference: 93/0477

layout fails to provide any built-in storage space, contrary to the provisions of the minimum internal space standards. Therefore, the proposal fails to demonstrate that a high standard of internal layout would be provided for future occupiers. Furthermore, the first floor flat would have no private outdoor amenity space, and so the future occupiers would have nowhere suitable to sit outside or hang out washing. The lack of a suitable outdoor space would result in oppressive living conditions for future occupiers, which would be harmful to their well-being.

10. For these reasons, I conclude that the proposed development would fail to provide acceptable living conditions for future occupiers. The proposal would therefore be contrary to Policies S6, SP2, SP3, SP8, and H1 of the Local Plan, Policies GG4, D3 and D6 of the LP2021 and guidance in the Mayor of London Housing Supplementary Planning Guidance 2016, which, amongst other matters, seek high quality living accommodation and require all new homes to meet the minimum internal space standards, as well as provide adequate external private open space.

Other Matters

11. I have had regard to the appellant's reference to Section 57(4) of the Town and Country Planning Act 1990 as amended, however the Council indicates that the property has operated as a single dwellinghouse since at least 2003, and there is no substantive evidence before me that the current use of the property as a 3-bedroom dwelling is unlawful or subject of an enforcement notice. As such, I am not persuaded that the premises could now be used as a ground floor shop and first floor flat without the need for planning permission. I therefore afford this matter no weight.

Conclusion

12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR