
Appeal Decision

Site Visit made on 10 August 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/G5750/W/20/3259763

121 Crofton Road, Plaistow E13 8QT

- 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 Luke Economou against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/01377/FUL, dated 2 July 2020, was refused by notice dated 27 August 2020.
 - The development proposed is described as 'conversion of lower ground floor to form one bed flat'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Both parties were invited to provide representations in relation to the revised Framework. However, neither party has responded.
3. Reference is made in the Council's reasons for refusal to the policies in the London Plan (March 2016) and the draft London Plan Policies (2019). Since the appeal application was decided, the latest version of the London Plan (2021) has been published and is now part of the development plan for London. The previous policies have therefore been replaced. Both parties were asked to provide any additional representations in relation to the new London Plan policies. Neither party responded. However, I am satisfied that I can rely on the policies contained within the Local Plan and Housing SPG as these are consistent with the London Plan Policies in relation to the main issues.

Main Issues

4. The main issues are as follow:
 - Whether the proposed development would provide for a satisfactory standard of accommodation for the future occupiers of the upper floor unit (Unit 2), with particular regard to its allotted private external amenity space, and also the adequacy of its resultant internal floorspace.
 - The effect of the proposed development upon the Borough's family housing stock.
 - Whether the proposed rear access to basement flat (Unit 1) would be acceptable with regard to its legibility and the effect of crime and safety.

Reasons

Living Conditions

5. The appeal site comprises the existing dwelling at 121 Crofton Road (No 121). No 121 is a two-storey terraced dwelling, with living accommodation provided at ground and first floor level. In addition to the living accommodation there is an existing basement. The floor plans submitted to the Council indicate that the basement currently comprises a 'playroom'. This is not accurate. During my site visit I noted that the basement was vacant and was not currently fit for use as living space given the existing poor state of repair. This is consistent with representations made by the appellant in relation to this appeal. To the rear of the property there is a garden and a separate garage which is accessed from St Andrew's Road. There is no existing pedestrian access to the rear of the property.
6. The proposed development involves the conversion of the basement to provide a one-bedroom flat (Unit 1). The garage would be partly demolished to facilitate pedestrian access to Unit 1. The existing dwelling would be retained in the form of a duplex over the first and second floor, with no alterations proposed to the internal living space.
7. The existing garden is currently accessed via an external staircase from the ground floor of the No 121. The submitted plans show that this external staircase would be removed such that there would be no direct access from Unit 2 to the outdoor space. Given that access to the outdoor space would only be possible from St Andrews Road, it is axiomatic that the outdoor space would only serve Unit 1. The submitted plans show that a small balcony would serve Unit 2, although the size of the balcony is not illustrated on the floor plans. The balcony would extend over the roof of Unit 1. However, neither the plans, nor the appellant's representations indicate that the roof would be suitable as an area of private outdoor space.
8. Based on the size of the balcony shown on the proposed elevations, the amount of outdoor space provided for Unit 2 would be small and cramped in comparison to the size of the proposed three-bedroom unit. As such it would be substandard and would not be sufficient to ensure adequate living conditions for future occupiers of the proposed three-bedroom unit. I have considered whether a condition could be imposed such that the outside space could be accommodated elsewhere, such as within the entirety of the flat roof above Unit 1. However, this area is unlikely to be suitable, due to the potential for overlooking of the private outdoor space proposed for Unit 1.
9. The appellant states that the external amenity space exceeds the minimum standards. However, it is not clear what standards he is referring to and no evidence has been provided to substantiate this assertion. The Council refers to the space standards set out under the Housing Supplementary Planning Guidance¹ (SPG). Standard 26 of the SPG states that a minimum of 5 square metres (sqm) of private outdoor space should be provided for a 1-2 person dwelling and an extra 1sqm should be provided for each additional occupant. There is no evidence before me which demonstrates compliance with these standards in relation to Unit 2.

¹ Mayor of London Housing Supplementary Planning Guidance 2016 (London Plan 2016 Implementation Framework)

10. The SPG, at paragraph 2.3.32, allows exceptions where site constraints make it impossible to provide private open space for all dwellings. However, I do not consider that there are exceptional circumstances. These are minimum standards and the question of whether a development provides sufficient outside space depends on the specific circumstances of the case. In this case, I conclude that the level and quality of outside space proposed is not sufficient to provide an acceptable standard of accommodation to future occupiers of a family-sized three-bedroom unit.
11. There is no proposed alteration to the internal arrangements of the existing ground and first floors in order to accommodate Unit 2. As such, I do not consider that the internal layout and floor space provided, excluding the private outside space, would result in substandard living conditions for future occupiers. The basement would be removed but this is not in use as living space and clearly hasn't been for a substantial period of time. Furthermore, the basement is not presently fit for use as living accommodation. As such its conversion would not materially reduce the level of internal floorspace currently provided by No 121.
12. The Council have indicated that Unit 1 would provide an acceptable amount of internal floorspace. Whilst I am satisfied that the amount and arrangement of internal floorspace proposed for Unit 1 would be sufficient, this does not outweigh the harm which would be caused by the inadequate provision of private outside space for Unit 2.
13. For these reasons, the proposed development would result in substandard accommodation, due to the significant lack of external amenity space available to the future occupiers of Unit 2. It would therefore conflict with the strategic objectives of Local Plan Policies SP2 and S6 which seek in part to improving housing quality. The development would also conflict with Local Plan Policies SP8 and H1 which seek in part to ensure new development provides appropriate and adequate private outside space. Local Plan Policies S1 and SP1 are strategic policies which are not directly relevant to this main issue. Local Plan Policy SP3 includes design criteria but none of these relate specifically to this main issue.
14. There would also be a conflict with the standards for outside space set out within the SPG, given that the plans submitted to the Council do not demonstrate compliance with these minimum standards. In addition, the proposed development would conflict with Framework Paragraph 130 which seeks in part to ensure a high standard of living conditions for existing and future occupiers.

Family Housing Stock

15. There is a clear emphasis within the Local Plan on ensuring the provision of high-quality housing and in particular maintaining the existing stock of 3 and 4 bedroom family housing in the Borough. Local Plan Policy H4 sets out that the Council will 'protect' 3 and 4+ bedroom family housing. Local Plan Paragraph 4.53 states in part that the Borough will fail to provide enough family housing unless the rate of provision increases and the existing family housing stock in the Borough is retained. There is no evidence before me to indicate that there has been a change in circumstances since the adoption of the Local Plan.

16. No 121 currently comprises three bedrooms. The proposed development would not result in a reduction in the internal floorspace provided at ground and first floor level. The basement would be converted, but I do not consider this to constitute the useable floorspace of the existing dwelling. However, the removal of access to the rear garden and provision of a substandard area of outside space (the proposed balcony) would significantly alter the level and quality of accommodation available. To this extent, Unit 2 would not be suitable for a family and Unit 1, a one-bedroom flat, would obviously be unsuitable in for such.
17. Local Plan Policy H4 does provide various exceptions where conversion of family housing might be acceptable. However, there is no evidence before me to suggest that any of these exceptions apply to the proposed development. This policy does not define 'family housing'. However, I consider that there is a clear distinction between the provision of a duplex flat with a small balcony, as is proposed in the case of Unit 2, and the retention of a house with a garden. The policy and subtext also refer to the specific threat posed by subdivision of family dwellings into flats, as is currently proposed. For these reasons, the proposed development is considered to result in the loss of a family dwelling and as such it would be contrary to Local Plan Policy H4.
18. The appellant has suggested that planning permission has been granted for a loft conversion which he suggests would provide two additional bedrooms. However, there is no evidence before me to demonstrate that planning permission has been granted. In addition, when I accessed the existing property, I noted that the attic had not been converted. For these reasons, this consideration does not alter my conclusions in relation to the harm which would result from the loss of a family dwelling.
19. For the reasons outlined above, in addition to the conflict with Local Plan Policy H4, there would also be a conflict with Local Plan Policies S1, S6 and H1, which seek in part to protect existing family housing and ensure a suitable mix and balance of house types in the Borough. Local Plan Policies SP1 and SP3 are not relevant to this main issue.
20. The Council's reason for refusal also refers to the Framework and the SPG. However, neither the reason for refusal nor the Council's case report elaborate on how the development would conflict with either of these documents in relation to the effect on family housing stock. As such, I am not able to consider the extent to which the proposed development would comply or conflict with these documents in relation to this main issue.

Proposed Access

21. The proposed development includes a new access to the rear of the property. Part of the garage would be demolished such that access would be provided from St Andrews Road. The existing front access would be retained to serve Unit 2, whilst the new access would serve Unit 1.
22. In terms of the interface with the street scene, no elevation plans showing the proposed access were provided to the Council. However, the floor plans indicate that the access would comprise of a gated entrance, which is not uncommon within the surrounding area. Indeed, during my site visit I noted that several other neighbouring properties on Crofton Road have similar rear access arrangements from St Andrews Road. I note that the Council has not

objected on the grounds of character and appearance. Therefore, subject to a condition requiring details of the access gate and boundary treatment, the proposed development would not have a poor interface with the street scene.

23. The legibility of the access would be sufficient given that it would serve a single dwelling. The occupants of the dwelling would clearly know that the access is to the rear of the property. Issues pertaining to legibility in this regard are more applicable to access and routes in larger developments as opposed to those serving a single dwelling. For these reasons I consider that the access would be sufficiently legible.
24. In terms of surveillance and associated impacts on crime and safety, there are several neighbouring properties which are served by access to the rear. Indeed, rear access is not uncommon and there is no evidence before me to indicate that the proposed development would result in any increased risk of crime or harm to the safety of future occupiers. I accept that rear accesses serving neighbouring dwellings do not necessarily provide the primary means of access to those dwellings. However, the fact that this would be the main access would not give rise to any increased risk. For these reasons I consider that the proposed development would not lead to an increased risk of crime or harm to safety.
25. The Council also suggests that accesses should be well lit and high quality with appropriate hard and soft landscaping provided. All of these matters could be controlled by appropriately worded planning conditions.
26. For these reasons, the proposed access would not result in poor legibility, increased crime nor harm to safety. As such the proposed development would comply with Local Plan Policies S1, SP1, SP2, SP3, SP8 and H1 and the SPG insofar as they relate to this main issue. These policies combined, require in part new development is of a high-quality design, which provides good quality and safe means of access.

Other Matters

27. The appellant has asserted that the existing basement is in need of refurbishment and that the internal access to it does not meet current building regulations. Whilst I accept that this situation could be improved as a result of the proposed development, this consideration is not sufficient to outweigh the harm that the development would cause.
28. The proposed development would contribute to an increase in housing supply and there would be modest social and economic benefits associated with this. However, these benefits would be limited given the small scale of the proposed development. These benefits are not sufficient to outweigh the totality of harm which I have identified.

Conclusion

29. Whilst I have found no harm with regard to the proposed rear access, this does not outweigh the harm that the development would cause as a result of substandard living conditions and the loss of a family dwelling from the Borough's housing stock. As such, the proposed development would conflict with the development plan, taken as a whole. There are no other considerations which indicate that a decision should be made other than in

accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR