



Appeal Decision

Site visit made on 10 August 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2021

Appeal Ref: APP/U5930/W/20/3253672

Flat B, 103 High Road Leyton, Stratford E15 2DE

- 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 M Ayoub of Landhill Ltd against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 193228, dated 27 September 2019, was refused by notice dated 4 December 2020.
 - The development proposed is described as application to convert existing 3 storey 4 bedroom self contained dwelling into 2 one bedroom self contained dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 2 March 2021 the London Plan (2021) (the London Plan) was published, replacing the London Plan (2016) and the revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and the appellant the opportunity to comment upon the implications of these and taken any views into account in determining this appeal.
3. The Council's decision notice does not refer to plan Ref 1973 – PL01A. The main difference between plan Refs 1973 – PL01A and 1973/DIM1, is that the latter includes some annotations of measurements. I have had regard to both plans in considering this appeal.
4. At my visit a rear dormer was present at the appeal site property. However, from what I saw it differs from that set out on the appeal plans in respect of the window arrangement and the projection and shape of the eaves/roof, so it is not the same as the dormer set out on the proposed plans. Therefore, I have considered this proposal on the basis of the drawings before me, which is reflected in my terminology below.

Main Issues

5. The main issues are the effect of the development upon:
 - the supply of family housing in the Borough; and,

- the living conditions of the future occupiers of the new flat and new maisonette with particular reference to the standard of internal accommodation.

Reasons

Family housing

6. Paragraph 7.1 of the pre-text to DM6 of the Development Management Policies Local Plan (2013) (the DMPLP) explains there are aims to create mixed and balanced communities by providing a range of house sizes and preventing the loss of family-sized homes. Paragraphs 7.8 and 7.10 explain there has been a decline in the stock of family dwellings and those suitable for larger households (4+ people), driven by a high level of conversions into smaller units. However, demand for family housing remains relatively high. To maintain a sufficient mix of dwellings and avoid over-concentrations of converted dwellings, Policy DM6 A)ii) states the conversion of a larger home into smaller homes within a restricted dwelling conversion ward will not be permitted. The appeal site is located in one such ward.
7. The appeal site dwelling comprises the top three storeys of a four storey property fronting High Road Leyton. From the 'existing' plans and my visit the appeal site property is capable of providing a living room, kitchen, and bathroom on the upper ground floor and three good sized bedrooms across the upper ground and first floors. Therefore, whether or not I consider the second floor bedroom to be of a suitable standard, the accommodation on the upper ground and first floor could provide a suitable level and standard of accommodation for family occupation. There is no rear garden at the appeal site, however, it is located a short distance from the Drapers Field Recreation Ground, and Chandos Road Gardens are a limited distance further south east. These provide some nearby leisure and recreation space that could meet the needs of family occupiers.
8. This part of High Road Leyton is a main thoroughfare through the area. In the vicinity of the appeal site, it is characterised by the single carriageway road with some parking bays, primarily residential properties on the western side, and commercial premises above which appears to be mainly residential accommodation on the eastern side. The appellant has referred to a number of other converted dwellings nearby. The Council advises that some were converted prior to the adoption of Policy DM6 and that others may not have the benefit of planning permission. However, even if they did benefit from permission, their presence does not make the appeal site and the area inherently unsuitable for family accommodation.
9. While there is a moderate level of activity and noise including from rail and underground lines, steps up to the dwelling, and no car parking immediately outside it, at my visit I saw nothing that would lead me to conclude the appeal site and area is not suitable for family occupation. Therefore, having regard to the internal accommodation, open space nearby and character of the area, the appeal site provides accommodation suitable for family occupation. Even if the appeal site was used as a House in Multiple Occupation, the internal alterations authorised if this appeal were to be allowed, would mean its re-use as a single dwelling would be likely to require some costly alterations. Therefore, allowing this appeal means it would be more likely to result in the appeal site dwelling

being permanently lost from the stock of family housing in conflict with the aims of the development plan.

10. For the reasons set out above by converting the appeal site into 2no. one bedroom dwellings, the development would have a detrimental effect upon the availability of dwellings suitable to provide family accommodation. Consequently, it would conflict with the aims of Policies DM5 and DM6 of the DMPLP, which in combination, seek to provide family-sized homes and prevent their loss by conversion to smaller-sized homes.

Living conditions

11. The second reason for refusal specifically alleges there is insufficient information to determine whether the new dwellings would provide adequate internal floorspace and ceiling heights. Having regard to the annotations, measurements and scale set out on plan 1973/DIM1 I saw nothing on my visit that would lead me to believe that those for the upper ground and first floor were inaccurate.
12. Therefore, in respect of the upper ground floor flat I have no concerns in respect of ceiling height, which is approximately 2.6m. The plans indicate the internal floorspace would be approximately 52 square metres (sqm), above the minimum for a 2p1b flat in the Nationally Described Space Standard (2015) (the NDSS) and Table 8.1 of the DMPLP. While the NDSS is not listed in the development plan policies before me, I regard it as providing an indication of the reasonable minimum standards for internal space and heights to ensure satisfactory living conditions for future occupiers. Therefore, given the height, shape, layout and floorspace I am satisfied that the upper ground floor flat would provide an adequate standard of accommodation.
13. The new maisonette would provide approximately 63.5 sqm of floorspace. This in principle is approximately 5sqm above the minimum for a 1b2p 2 storey dwelling in the NDSS, although there is no equivalent standard in table 8.1 of the DMPLP. The plans suggest the first floor is a uniform approximately 2.6m in height, which would concur with what I saw at my visit.
14. The NDSS indicates the internal height should be a minimum of 2.3m for at least 75% of the internal floor area and Policy D6 of the London Plan states the minimum height must be 2.5m. There is a broad indication of the outline height of a dormer on the plan sections. The thin dashed outline indicates the height of around 2.4m but does not provide sufficient detail of the proposed internal height having regard to the thickness of the frame, roofing materials and insulation.
15. The drawings also indicate some of the internal height on the second floor towards the front eaves would be very low. A high proportion of space of the maisonette would be on the second floor and the internal height of much of the second floor is not clear, and from the evidence before me a significant proportion is likely to be less than 2.3m in internal height. Therefore, I cannot be certain the development would meet the requirements of the NDSS and Policy D6, and I cannot be certain it would not result in harmful living conditions for the future occupiers of the new maisonette with reference to the height of the internal accommodation.

16. For the reasons set out above I cannot be certain the development would not provide harmful living conditions for the occupiers the new maisonette with reference to the standard of internal accommodation. Therefore, I cannot be certain the development would not conflict with the aims of Policy D6 of the London Plan, Policies CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) (the CS) and Policies DM7 and DM29 of the DMPLP. In combination and amongst other things these policies seek that development creates healthy and sustainable places, and require development ensures a high quality of design and provides satisfactory levels of amenity for future occupiers.

Other Matters

17. The appeal site is understood to be within a Zone of Influence (ZOI) of the European designated Epping Forest Special Area of Conservation (SAC). The Conservation of Habitats and Species Regulations 2017 (as amended) requires where a project is likely to result in a significant effect on a European site, the competent authority is required to make an Appropriate Assessment of the implications on the integrity of the European site. If constructed, this appeal scheme would create an additional dwelling within a short drive of the SAC. However, as the development is not proposing mitigation, or benefits to the SAC that would weigh in favour of the scheme, and I am dismissing this appeal proposal for other reasons, it is not necessary to look at this matter in detail.

Planning Balance & Conclusion

18. The development would result in a small economic benefit during construction and a small sustained benefit to the local economy once occupied. It would contribute to boosting the supply of housing by providing a greater number of dwellings on the site. However, the provision of a single additional dwelling would be a limited social benefit attracting limited weight in favour of the scheme. Therefore, overall, the benefits of the development attract limited weight in favour of the scheme.
19. If I were to agree that the development is acceptable or could be made acceptable by the imposition of suitably worded planning conditions, in respect of matters such as car parking, access to public transport, cycle parking, waste storage, sustainable design and resource saving features, and the living conditions of neighbouring occupiers, these would all be neutral matters attracting neutral weight. However, the policy compliance and benefits do not outweigh the harm from the development in respect of the availability of family housing and ensuring suitable living conditions to the future occupiers, which are matters that attract significant weight against the scheme.
20. The proposed development conflicts with the development plan taken as a whole. There are no material considerations, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR