



Appeal Decision

Site Visit made on 27 July 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/G5750/W/21/3269248

38 Parker Street, North Woolwich, London E16 2DJ

- 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 Odaro Ize Omoregie against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/01904/FUL, dated 3 September 2020, was refused by notice dated 26 November 2020.
 - The development proposed is "Erection of two storey side extension to serve two new 1 bedroom flats".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide satisfactory living conditions for future residents, with particular regard to private internal and outside space.

Reasons

3. The submitted plans show the proposed ground floor flat would have a Gross Internal Area (GIA) of 41.5 sq.m; the proposed first floor flat would have a GIA of 39 sq.m. Both flats would therefore fail to provide the minimum GIA of 50 sq.m for a one-bedroom two-person single storey dwelling, as referred to by Policy D6 of the London Plan¹. The appellant has claimed both flats would be one-person flats with GIAs in accordance with the minimum standard of 39 sq.m for one-bedroom one-person single storey dwellings.
4. Policy D6 sets a minimum floor area of 11.5 sq.m for a two-bedspace double bedroom. The appellant has not provided any measurements of the proposed bedrooms, but the Council claim the submitted plans show the ground floor flat bedroom would measure 18.9 sq.m in area and the first floor flat bedroom would measure 12.7 sq.m in area. The proposed bedrooms would both comprise large proportions of each flat and would be likely to be occupied by two people on account of the size of the bedrooms. I therefore find both proposed flats would comprise one-bedroom two-person flats of inadequate size to provide acceptable living conditions for future residents.
5. Policy D6 also states a minimum of 5 sq.m of private outside space should be provided for 1 – 2 person dwellings. The application states the 6 sq.m of

¹ The Mayor of London's London Plan (2021)

outside space would be shared between the two flats, which would not comprise private outside space and would cause privacy issues for the occupants of the ground floor flat. However, in their appeal statement the appellant has confirmed the outside space would be private to the proposed ground floor flat only, leaving the proposed first floor flat without access to any private outside space.

6. I note the proximity of the appeal site to public open space and the fact that the proposed first floor flat would not act as family sized accommodation. The appellant has also suggested that the wording of Policy D6 suggests that a minimum of 5 sq.m private outside space for all new dwellings is a desirable outcome, rather than an imperative one. However, the policy and accompanying Housing Supplementary Planning Guidance (SPG)² places great weight on the importance of outside space for new dwellings. The SPG clarifies that only in exceptional circumstances a proportion of dwellings may instead be provided with additional internal living space as an alternative to the otherwise minimum 5 sq.m of private outside space. No evidence has been submitted to demonstrate that exceptional circumstances exist in this instance, and no additional internal living space would be provided in any case.
7. I therefore conclude that the proposed flats would fail to provide sufficient internal space, and the proposed first floor flat would fail to provide access to private outside space. The lack of sufficient internal space for both flats and private outside space for the first floor flat would result in two flats which would provide unacceptable living conditions for future occupants, contrary to Policies S1, SP1, SP2, and H1 of the Council's Local Plan³ and Policies GG4, D3 and D6 of the London Plan. These require, amongst other things, new homes to be designed to high standards, meeting internal and external private space standards to provide comfortable standards of living.

Other Matters

8. It has been claimed that the proposal would enhance the choice of dwelling types fronting Parker Street and that there would be social and economic benefits from the provision of two one-bedroom flats. These would be modest benefits which would not outweigh the harm to future occupiers identified above.

Conclusion

9. The proposal would provide unacceptable living conditions for future residents in conflict 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, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR

² The Mayor of London's Housing Supplementary Planning Guidance (2016) (updated 2017)

³ Newham Local Plan (2018)