



Appeal Decision

Site visit made on 8 June 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021.

Appeal Ref: APP/G5750/W/20/3262865

Flat 5, 249 Hermit Road, Canning Town, London, E16 4LA

- 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 Kapoor, Springbridge Corporation Ltd, against the decision of The London Borough of Newham.
 - The application Ref 20/0186/FUL, dated 29 May 2020, was refused by notice dated 30 July 2020.
 - The development proposed is the subdivision of existing duplex apartment to form two studio flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was submitted, the London Plan 2021 (LP) has been published. I am satisfied that the published version of the LP does not raise any additional material issues in relation to the appeal. Consequently, I have not considered it necessary to refer back to the main parties. However, where relevant, I have referred to the policies of the 2021 document in this decision.
3. In reaching my decision, I have also taken into account the provisions of the revised National Planning Policy Framework 2021 (the Framework).

Main Issues

4. The main issues are the effect of the development on the provision of family-sized dwellings in the Borough; and whether the development makes adequate provision for cycle storage.

Reasons

Family Dwellings

5. The appeal property comprises residential accommodation with the rooms spread over the first and second floors of the building. There is also access to a roof terrace at third floor level. The property is situated on the corner of Hermit Road and Grange Road within an area that is primarily residential in character. At the time of my visit, the ground floor of the building was not in use. A public park (Hermit Road Recreation Ground) is on the opposite side of Hermit Road, which includes a play area and formal/informal open space.

6. The proposal is to convert the existing accommodation into two studio apartments, each with a floor area of 44sqm. There is some dispute between the Council and the appellant regarding the form of the existing accommodation. However, I observed at my site visit that it was in use as a three-bedroom dwelling and was occupied by a family. Consequently, I am satisfied that the property can be regarded as a family-sized unit.
7. Policy S1 1c of the adopted Newham Local Plan 2018(NLP) seeks to protect family housing. Policy S6 1d repeats this. The appellant states that these policies are aimed at traditional family dwellings e.g. Victorian and Edwardian homes. However, whilst policy S6 refers to the de-conversion of Victorian and Edwardian properties, I do not agree that it precludes other types of family accommodation.
8. Policy H1 of the NLP seeks (amongst other things) to secure a mix and balance of housing, including a significant increase in family housing to replace those lost through conversion. Policy H4 of the NLP goes on to state that the Council will specifically protect three and four-bedroom family housing. The explanatory text to the policy states that the evidence shows that Newham will fail to provide enough family housing, if it does not increase the rate of provision and 'hold-on' to the existing family stock.
9. Policy H4 does allow for the conversion of three plus bedroom houses, subject to certain specified criteria. However, the appeal property has access to private amenity space in the form of the roof-terrace and its entrance is not poorly defined. The front door into the building is obvious from the street and the secure entry system is no different to many flats or communal buildings. Furthermore, the ground floor is vacant. Therefore, this part of Policy H4 does not apply. In addition, the nearby Hermit Road Recreation Ground provides a facility for family play and other activities.
10. The appellant contends that the Policies H1 and H4 only relate to 'conventional housing', which does not include the appeal property. However, one of the main thrusts of the policies is to ensure the provision and retention of family accommodation. I have already concluded that the appeal property should be regarded as being suitable for a family.
11. The Council's policies are reinforced by Policy H10 of the LP, which seeks to provide a housing mix within the city, with a requirement for Boroughs to plan in accordance with local evidence or in accordance with the 2017 London Strategic Housing Market Assessment. The Framework also emphasises the requirement for local assessments when setting policies. The Council maintains that its studies show a greatest need for family-sized housing. I have no evidence that contradicts this.
12. Furthermore, the Council refers to other appeal decisions in which Inspectors have agreed with the Council's decisions and reasoning. Whilst these were determined having regard to an earlier version of the Council's Local Plan (2012), they are a material consideration in my assessment of this appeal.
13. On the basis of the above, I consider that the proposal would result in the loss of family accommodation and would be at odds with the priority housing needs of the Borough. Therefore, the proposal would conflict with the provisions of the Development Plan, as referred to above.

Cycle Storage

14. The Council states that the appeal proposal does not clearly make provision for cycle storage for the occupants of the proposed studio flats. The appellant states that provision could be made within the existing cycle store. I was unable to gain access to the existing store during my site visit. However, given my findings above in respect of the loss of family accommodation, I see no need to pursue the matter any further.

Conclusion

15. For the reasons given above, it is concluded that the appeal be dismissed,

Ian McHugh

INSPECTOR