



Appeal Decision

Site Visit made on 19 October 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/E5900/W/21/3273390

15 Palmers Road, London E2 0SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Rakesh Sharma of Omkara Limited against the decision of the London Borough of Tower Hamlets.
 - The application Ref PA/21/00270, dated 5 February 2021, was refused by notice dated 30 March 2021.
 - The development proposed is convert an existing office space into two units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the change of use of the office premises into two flats. The Council dealt with the proposal on this basis and so shall I.
4. The proposed development includes two flats. The Council's second reason for refusal indicates that the dispute in relation to adequate natural light relates to flat 1. My reasoning on this matter therefore relates to flat 1 only.

Background and Main Issue

5. Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) permits development consisting of a change of use of a building and any land within its curtilage from an office to a dwellinghouse.
6. Paragraph O.2(1) sets out that development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for determination as to whether prior approval is required in respect of a number of criteria including O.2(1)(a) and O.2(1)(e).

7. The main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Class O of the GPDO with particular regard to the requirements of paragraphs O.2(1)(a) and O.2(1)(e) in respect of the transport and highways impacts of the development and the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Reasons

Transport and highways impacts

8. The access to the proposed flats would be via a ramped entrance into a communal lobby with an inward opening door. The appeal scheme includes angled cycle parking in the lobby.
9. I acknowledge that the proposed development would provide secure and weatherproof cycle parking. However, based on the evidence before me, the cycle rack would be compromised by its angled position, proximity to the main door and the limited size of the lobby. Cycles parked in the lobby would compromise its functionality and incorrectly parked cycles are likely to block the main entrance door to the development resulting in a hinderance and inconvenience for residents either entering or leaving the flats, irrespective of the gradient of the ramp.
10. Whilst the appellant contends that a sliding door could be provided it has not been considered by the Council at application stage. In the interests of fairness, I must ensure that what is considered at appeal is what was considered by the Council and therefore I have not taken this into account.
11. As the proposal would be a car free development the availability of suitable cycle parking provision is particularly important. The appellant has not demonstrated that this can be provided. Accordingly, the proposal would have a significant and demonstrable adverse impact on transport and highway matters failing to comply with the provisions of O.2.(1)(a) of the GPDO.

Provision of adequate natural light

12. The appellant has submitted a Daylight and Sunlight Assessment (DSA). The DSA indicates that the flat would achieve an overall Average Daylight Factor (ADF) of 1.57%.
13. Despite the Council's assertions as the kitchen would be located directly under the window, in my view, it would benefit from higher levels of daylight compared to the rest of the flat. Moreover, based on the evidence before me the flat overall would meet the recommended BRE guidelines for daylight.
14. There is no credible evidence before me to suggest that the flat would be partitioned. I have therefore given this negligible weight in coming to my decision.
15. Taking into consideration the contents of the DSA, the size of the flat and the position of the window I am satisfied that the proposal would achieve adequate natural light for future occupants. I conclude that the proposal would accord with the provisions of O.2.(1)(e) of the GPDO.

Other Matters

16. The appellant has referred to other applications whereby cycle storage has been secured by condition. However, I have not been made aware of the individual circumstances that led to them being considered acceptable by the Council. In any case, every appeal must be considered on its own merits. These examples do not justify the harm that I have identified in relation to the first matter.

Conclusion

17. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR