



Appeal Decision

Site Visit made on 22 September 2021 by G Sibley MPLAN MRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH November 2021

Appeal Ref: APP/E5900/W/21/3272880

69 Sidney Street, London E1 2EU

- 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 Ashuk Ali against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/01732, dated 8 August 2020, was refused by notice dated 14 December 2020.
 - The development proposed is the conversion of a 8 bedroom (currently a HMO) family home into 3 separate dwellings. Three flats comprising the following:
 - FLAT 1: basement and ground area: 78.8 sqm, 4 person flat
 - FLAT 2: first floor area: 34 sqm, one person flat
 - FLAT 3: second, third and fourth floor area: 90.9 sqm 6 person flat.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments received have been addressed in this decision.
4. The appellant has submitted a revised set of plans with the appeal. The proposed changes to the plans include replacing the windows with timber framed sash windows rather than UPVC as well as identifying how the cycle storage would be arranged and the room on the fourth floor of Flat 3 has been labelled as a bedroom, rather than an office/study. I am mindful that the '*Procedural Guide – Planning Appeals – England*' advises that the appeal process should not be used to evolve a scheme and what is considered in the appeal should essentially be what was considered at the application stage. However, in this case the proposed change to the floor plan is minor and the Council has indicated that it would support timber windows. I am therefore satisfied that no party would be prejudiced by my accepting these amended plans.

Main Issues

5. The main issues are:

- 1) Whether the proposal would provide a suitable housing mix, having particular regard to the supply of family homes in the Borough;
- 2) Whether or not future occupiers would have acceptable living conditions, having particular regard to living space and private amenity space;
- 3) Whether the proposal would provide adequate refuse arrangements;
- 4) Whether the proposal would provide adequate cycle storage; and
- 5) Whether the proposal would preserve or enhance the character or appearance of the Ford Square Conservation Area (CA).

Reasons for the Recommendation

Housing mix

6. Policy D.H2 of the Tower Hamlets Local Plan 2031 (adopted 2020) (LP) seeks to ensure that priority family housing is not unnecessarily lost through development. It states that when a proposal would result in the conversion of a family home, this will only be permitted when a three bed plus unit is retained in the new development and where this is the case, that unit should have access to a private garden.
7. Under the revised plans submitted with this appeal, Flat 3 would be a three-bedroom property. The overall floorspace of the fourth-floor bedroom would be approximately 13 square metres (sqm) which would meet the minimum floor space requirements for a double bedroom as set out in the Technical Housing Standards – Nationally Described Space Standard (published 2015) (the Standards). However, as the room is located within the loft space, the ceiling height reduces in line with the angle of the roof. Because of this, the minimum floor to ceiling height would not be at least 2.3 metres (m) for at least 75% of the gross internal area, as required by the Standards.
8. With bedroom furniture fitted into the room this would leave very limited living space if the room was to be used by two people. Given the limited amount of usable space, the room would not meet the space/height requirements set out in the Standards for use as a double bedroom. Whilst a single bedroom may be able to be accommodated within the roof space, Flat 3 would not have access to a private garden as required by LP Policy D.H2.
9. Accordingly, the proposal would result in the net loss of a family home and would fail to meet the need for a suitable mix of housing, in conflict with LP Policy D.H2 which seeks to ensure that new housing maintains mixed communities and delivers a range of housing to meet locally assessed needs. Whilst the proposal would result in the loss of one family home, the cumulative loss of family homes over a longer period of time would lead to an imbalance in the community.

Living conditions

10. The Standards require a three-bedroom three storey dwelling to have a minimum floor space of 90 sqm and the floorspace of Flat 3 would exceed this. The two double bedrooms would be large enough to fit a double bed as well as wardrobes and cupboards and allow for circulation space around the room.

Furthermore, the bedroom on the fourth floor would provide space for a single bed alongside associated bedroom furniture and allow for circulation space around the room. Additionally, the living space and kitchen would be large enough to fit in typical household items such as a sofa, cabinets, tv stand and allow appropriate circulation space around the rooms. Consequently, Flat 3 would provide an acceptable amount of floorspace for the proposed occupiers.

11. Policy D.H3 of the LP requires development to provide a minimum of 5 sqm of private outdoor space for 1-2 person dwellings and an extra 1 sqm for each additional occupant. Whilst there are public parks near to the site, the proposal would fail to provide any private outdoor space for the occupiers of Flat 3. Without such outdoor space, the occupiers of Flat 3 would have no space to dry clothes or outdoor storage space. This would create an impractical living space for the occupiers.
12. Flat 2 would be a single storey single bedroom unit with a floor space of 34 sqm. The minimum size in the Standards for a one bed one person property is 39 sqm which the proposal would fall short of by 5 sqm. This shortfall would create a cramped living space for the occupier with limited space for furniture and usable circulation space. Combined with the lack of outdoor space, the proposal would fail to provide acceptable living arrangements for the occupier of Flat 2.
13. Flat 1 would provide approximately 78.8 sqm floorspace which would accord with the Standard's requirement of 79 sqm for a two storey two-bedroom property for four people. Given the proposed layout of Flat 1, the two bedrooms would be a good size and whilst they would be located in the basement, each room would receive adequate daylight and sunlight from the relatively large lightwells. The living area and kitchen would be large enough to allow space for typical household items and allow appropriate circulation space around the rooms. The outdoor space would comply with Policy D.H3 and whilst it would be relatively limited, there would be space for both cycle and bin storage for that flat.
14. Therefore, whilst the proposal would provide acceptable internal and external living arrangements for the occupiers of Flat 1, the appeal proposal would provide insufficient floorspace and outdoor space for the occupiers of Flat 2 and insufficient outdoor space for the occupiers of Flat 3. Consequently, the proposal would be contrary to LP Policy D.H3 which requires development to meet the London Plan space standards and provide sufficient private outdoor space.

Refuse arrangements

15. Appendix 4 of the LP sets out the waste collection standards for developments and notes that for multi occupancy properties, the waste storage arrangements would typically be discussed and agreed prior to applications being submitted. As far as I am aware, this has not been the case in this instance. Appendix 4 does note that a single bedroom property would need around 130 litres of waste storage, including dry recyclables, per week and a two-bedroom property would need 210 litres. Two standard wheelie bins would have a typical capacity of 240 litres, as set out in Appendix 4 and there would be a need for several wheelie bins to be made available for the flats in the development. The occupiers of Flat 1 would be able to store the refuse bin in the rear garden but given the layout of the proposed development, the occupiers of the other two

flats would not be able to access the garden and no other space has been made available to store the refuse bins inside or outside of the property or to provide a shared space for used bin bags to be stored during the week.

16. The building has been built up against the roadside and opens out directly onto a narrow pavement. As a result, there would be very limited space to leave several bins outside of the property. This would be likely to create safety issues for pedestrians, especially those with wheelchairs or prams.
17. The lack of suitable refuse arrangements would create an unhealthy and unattractive living environment for the occupiers of Flats 2 and 3. The communal area on the ground floor of the property would not be large enough for two bins to be stored there as well as the cycle storage and allow appropriate circulation space.
18. Consequently, the proposal would fail to provide adequate arrangements for waste and bin storage. Therefore, the proposal would be contrary to Policy D.MW3 which expects new development to include sufficient accessible space to separate and store dry recyclables, organics and residual waste for collection.

Cycle storage

18. Appendix 3 of the LP sets out the parking standards for developments and notes that a single cycle space should be provided for Flat 2 and two spaces each for Flats 1 and 3. The proposal would provide space for two bicycles to be stored within the outdoor space and one space for both Flats 2 and 3 on the ground floor within the entranceway. This would be one cycle space short of the requirement set out in Appendix 3. Given the location of the site within an area that is well served by public transport, with both overground and underground stations located nearby, as well as local services and facilities, the occupiers would not necessarily be reliant on cycling to meet their day-to-day needs. Accordingly, the shortfall of one cycle space below the standard set out in Appendix 3 would not undermine the overall aim of LP Policy D.TR3 to prioritise sustainable approaches to parking by ensuring sufficient space is available for cycle parking.
19. Therefore, whilst the proposal would not fully meet the requirements of Policy D.TR3, having regard to the material considerations outlined above, I conclude that the proposal would be acceptable in terms of provision for cycle storage.

Conservation Area

20. The building is a three and a half storey mid terrace property and the dwellings within the row are similar in appearance. The dwellings are built from red brick with brick arches over white timber sash windows, although No 69 varies in this regard and does not have sash windows above the ground floor. This area of the CA is characterised by groups of terrace development and notwithstanding some minor variations, the consistent appearance of the dwellings within each group positively contributes to the character and appearance of the CA.
21. The revised plans indicate that the proposed development would replace the existing timber windows with timber sash windows which would replicate the appearance of the other windows within this run of terrace properties. Given that the replacement windows would be built using similar materials and would

be similar in appearance, this would positively complement the consistent appearance of this run of terrace properties within the CA. The character and appearance of the CA would be preserved, in accordance with the statutory test set out at Section 72(1) of the 1990 Act¹. Consequently, the proposal would comply with Policy S.DH3 insofar as it expects development proposals to preserve or enhance the elements which contribute towards the special character or appearance of CA's.

Conclusion and Recommendation

22. Therefore, whilst the proposal would preserve the character and appearance of the CA as well as provide adequate cycle storage, this would not outweigh the harm that would be caused to the wider community through the inadequate housing mix proposed, as well as the internal and external layout and the lack of suitable refuse arrangements which would fail to provide acceptable living conditions for the occupiers of the proposed development. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan, read as a whole. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree, and shall dismiss the appeal.

Sarah Housden

INSPECTOR

¹ Planning (Listed Buildings and Conservation Areas) Act 1990