



Appeal Decisions

Site visit made on 1 June 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2022

Appeal A Ref: APP/W5780/W/21/3282839

The Charter House, 18A Beehive Lane, Ilford, IG1 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by BlueRiver Investments & Piscium Ltd against the decision of London Borough of Redbridge.
 - The application Ref 1022/21, dated 5 March 2021, was refused by notice dated 30 April 2021.
 - The development proposed is Change of Use from B1 Offices to 14 X Class C3 self-contained flats.
-

Appeal B Ref: APP/W5780/W/21/3282840

The Charter House, 18A Beehive Lane, Ilford, IG1 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by BlueRiver Investments & Piscium Ltd against the decision of London Borough of Redbridge.
 - The application Ref 0994/21, dated 5 March 2021, was refused by notice dated 30 April 2021.
 - The development proposed is Change of Use from B1 Offices to 15 x Class 3 self-contained dwellings.
-

Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. As set out above, this decision letter covers two appeals for a change of use of B1 offices to C3 residential use at Charter House. Appeal A relates to 14 residential units and Appeal B relates to 15 residential units.
3. The appellant submitted an application for prior approval under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class O of Part 3, Schedule 2 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) to a use falling within Class C3 (dwellinghouses) subject to various conditions, limitations and restrictions.
4. Further amendments to the GPDO have been made by legislation; however, these are not relevant due to the transitional provisions there and therefore I will not comment on matters relating to internal room sizes.
5. The matters in dispute between the parties is the transport and highways impacts of the development, and natural light into habitable rooms. As such, I

will deal with the transport and highway impacts for both appeals under the same sub-heading below.

Main Issues

6. The main issues are:

- Whether or not the transport and highways impacts of the development would be acceptable with regard to paragraph O.2(1)(a) of the GPDO; and
- Whether or the development would have adequate natural light to meet paragraph O.2 (1)(e) of the GPDO.

Reasons

7. The site relates to a two-storey irregularly shaped building, located at the end of a narrow drive that allows for only one-way traffic, and accessed off Beehive Lane between a parade of local shops and a synagogue.

Transport & Highways Appeals A and B

8. Paragraph O.2.(1)(a) requires consideration of the transport and highways impacts of the development before determining whether prior approval is required.
9. Upon my visit to the site, I could see that the external curtilage land was laid to tarmac with a number of dedicated parking bays. However, large objects located within the site prevented parking access to all of the parking bays.
10. The majority of the external area would no longer be made available for use for parking for the development. The submitted plans indicate that only a disabled person's parking bay would be provided to support the proposal which would otherwise be car free. The appellant's transport consultants have provided evidence indicating that there would be sufficient space within the site for a vehicle within this dedicated parking space to be able to turn within the site and egress in a forward gear. This is accepted by the Council and I have no reason to come to an alternative view.
11. General deliveries to the site in its present use currently occur. In its existing layout, the limited space would, I agree with the appellant, make deliveries larger than a car problematic, especially if parking bays are occupied. Larger delivery vehicles takes place from street level and there is nothing before me to dispute this.
12. Given the layout of the external space, and taking into account the fall-back position that the site can receive unrestricted deliveries in this space, and even though the Council disagree with the appellant's estimation of an average of two daily general deliveries to the proposed site, nevertheless, I am satisfied that small vehicle deliveries could take place, even despite the proposed external layout, without causing adverse transport and highways impacts.
13. In addition, deliveries occur to the site from the main road and the Council point out that 'there would be adequate capacity on-street to accommodate deliveries to the site'. This arrangement clearly occurs and is accepted by the Council.

14. Overall, taking into account the nature of unrestricted deliveries to the site that occurs on-site and off-site, and even should more deliveries be generated as a result of residential living at the site, nonetheless, I am not convinced that the proposal would lead to unacceptable transport and highways impacts as a consequence of this matter.
15. The transport statement states that 'refuse vehicles would service the site from the kerb on Beehive Lane as would be the case under its current lawful B1 use'. Nevertheless, even if this is the current arrangement, a residential use of up to fifteen flats would generate different volumes and types of waste when compared to that of an office space. It is materially different.
16. The appellant states that a management company would be responsible for on-going management to ensure refuse is moved to the kerbside for collection and subsequently refuse bins returned to the site. However, I am not in receipt of precise details of this proposed arrangement. Despite the current refuse arrangements in place, this is a very different proposal consisting of residential dwellings and domestic waste thereof. Without evidence detailing refuse servicing arrangements, especially as larger vehicles entering the site would be problematic, I cannot be certain that adequate servicing arrangements would be in place for future occupants leading to acceptable transport and highway impacts.
17. To conclude on this main issue, I have found that general deliveries to the site would not lead to adverse transport and highways impacts. However, as a consequence of refuse servicing that I consider to be materially different to the present servicing to the existing use, without further details to ensure this would be adequately achieved without adverse impacts on transport and highways, it therefore fails to accord with paragraph O.2.(1)(a) of Class O.

Appeal A Natural Light – 14 unit scheme

18. The conditions at O.2 establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required including at part (1)(e) of the GPDO 'the provision of adequate natural light in all habitable rooms of the dwellinghouses'.
19. I am in receipt of a BRE Daylight and Sunlight Report (DSR) submitted by the appellant as well as a further statement by the author of the report with regards to the scheme for fourteen units.
20. The Council comments on specific windows of the development. Of these rooms of the flats highlighted by the Council, I observe that the ground floor units to the rear of the building would contain windows directly facing a boundary wall of approximately 1.8m high, punctuated by access gates to the rear of the shops. The distance from window to boundary enclosure would be about one metre away. These windows would inevitably have restricted light levels due to their position and built development of their surrounding environment.
21. From my observations of habitable rooms which would rely solely on light from roof lights, these are set high into the roof plane and well above the existing internal ceiling levels. Consequentially, even though I could see at the time of my visit that sunlight entered the space, because of their particular fitting arrangements, their size and positioning in the room, the light levels received into these rooms was very restricted. It did not spread throughout the room

and would not provide adequate natural light. In addition, these rooms would have no other form of fenestration to provide natural light.

22. Despite the statement with the DSR that sunlight to kitchens and bedrooms are 'viewed as less important', most flats combine rooms as kitchen-diners and there is nothing before me to indicate that a bedroom should not be considered as a habitable space.
23. Of most importance is the fact that the author admits that 'The study has been undertaken without access to the proposed development site or neighbouring properties'. Therefore, even though plans have been submitted with the report, they do not take account of the facts on the ground. Despite the findings of the DSR with regards to Average Daylight Factors including my own internal and external inspection of the site, I am not convinced this accurately reflects natural light levels into rooms. Therefore, I am not of the view that natural light into these rooms would be adequate.
24. Therefore, on this basis and to conclude on this main issue, accordingly the natural light impacts of the development would be unacceptable, failing to comply with the provisions of O.2.(1)(e) of the GPDO.

Appeal B Natural Light - 15 unit scheme

25. A similar DSR has been submitted with this proposal. The same circumstances apply in terms of natural light from roof lights into habitable rooms as I found at Appeal A. This also includes windows of habitable rooms serving ground floor units 3, 5 and 6. I therefore can only conclude that, accordingly the natural light impacts of the development would be unacceptable, failing to comply with the provisions of O.2.(1)(e) of the GPDO.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/W5780/W/21/3282839	BlueRiver Investments & Piscium Ltd
Appeal B	APP/W5780/W/21/3282840	BlueRiver Investments & Piscium Ltd