
Appeal Decision

Site visit made on 11 July 2022

by C Harding BA (Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2022

Appeal Ref: APP/U5930/W/21/3284184

113 Old Church Road, Chingford, London, E4 6ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Christoforos Kroussos against the London Borough of Waltham Forest.
 - The application Ref 211571, is dated 20 May 2021.
 - The development proposed is the reduction of the hairdressing shop area to create a one person studio.
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Decision

1. The appeal is dismissed and planning permission is refused.

Applications for costs

2. An application for the award of costs was made by Mr Christoforous Kroussos as a result of the failure of the Council to give notice of decision within the prescribed period. This application will be the subject of a separate decision.

Preliminary Matter

3. I note that there is a slight difference in the applicant's name and the appellant's name on the provided forms. However, I am satisfied that the appellant is the applicant, and have proceeded with the appeal on this basis. I have used the name from the appeal form, as this is consistent with other documents provided.

Main Issues

4. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupiers in terms outlook, privacy and amenity space, and;
 - Whether the proposed development would provide adequate arrangements for the storage of cycles, vehicles, and waste.

Reasons

5. The appeal site forms part of the ground floor of an existing hairdressing business located within a parade of shops at the northern extent of the commercial centre of Chingford Mount. The parade comprises a three-storey building of four units, with commercial uses at ground floor and with residential

accommodation above. The ground floor commercial units project to the rear of the block, with the flat roof areas that result being utilised for outdoor amenity use and access by the upper storey residential properties.

6. Access to the rear of the parade is via an access which opens into an informal service yard. A detached block of garages is located within this area, one of which is indicated as being proposed for use by occupiers of the proposed development. At the time of my site visit, this rear area was being used for waste storage from the commercial businesses and for vehicle storage.

Living Conditions

7. The proposed development would comprise a single bed, single occupant studio flat, located at the rear of the existing hairdressing business, with a separate access from the side of the building. It is stated by both parties that the internal floor area of the proposed development would be 37 square meters (sq.m), and accordingly I have used this figure as the basis for my assessment.
8. In terms of external space, the proposed development would not provide any dedicated outdoor space. Instead, it is stated by the appellant that future occupiers would be required to make use of local public open space and parks. This arrangement means that the future occupier of the proposed studio flat would not have access to any private outdoor space for everyday wellbeing, recreation and normal household activity, resulting in unacceptable living conditions.
9. Accordingly, the proposed development would be contrary to Waltham Forest Local Plan Development Management (WFLPDM)¹ Policy DM7. This policy requires flatted development to provide well-designed, appropriately located and usable outdoor space, of a minimum of 10sq.m of external space per bedroom, and whilst there is some flexibility, the proposed development would provide no external space at all.
10. With regards to outlook and privacy, the proposed development would provide windows facing eastwards into the rear shared yard area, and southwards onto Alpha Road. Those windows facing Alpha Road would be located at the base of the external staircase that provides access to the flat above, and as a result, any occupant or visitor to this flat, would be required to pass in close proximity to this window in order to access the staircase. Whilst such occurrences might be infrequent, nevertheless they would occur, and in doing so, would prove harmful to the living conditions of the occupier of the proposed development.
11. WFLPDM Policy DM7 sets out the required internal and external space standards for new residential development. However, it does not specify internal space requirements for single occupancy studio flats, instead stating that these are not supported within the borough. Notwithstanding this, the Nationally Described Space Standards (NDSS) requires that single occupancy studio flats provide 39sq.m of internal space, or as is the case in this instance, 37sq.m where a shower room is provided.
12. The proposed development would provide sufficient internal floor space in order to meet NDSS, and accordingly the proposed flat would provide adequate living conditions for future occupiers in this regard. However, as the development

¹ London Borough of Waltham Forest Development Management Policies Development Plan Document October 2013

would comprise a single occupancy studio flat, which WFLPDM Policy DM7 specifically states are not supported within the borough, there would be conflict with this policy.

13. The windows facing eastward would look out over the service yard, which includes areas used for the storage of commercial waste and commercial vehicles, towards the side elevation of the single storey garage block. Whilst this is unlikely to prove to be an attractive vista, the living conditions that would result would not in my view, prove to be unacceptable in terms of outlook or privacy.
14. The proposed development would not result in unacceptable effects upon the living conditions of existing occupiers of nearby properties, however this would be only a neutral factor, and would not weigh in favour of the scheme.
15. The proposed development would fail to provide acceptable living conditions for future occupiers in terms of privacy and amenity space. As a result, it would be contrary to Waltham Forest Local Plan Core Strategy² (WFLPCS) Policies CS2, CS13, and WFLPDM Policies DM7 and DM32 which seek to ensure that future occupiers are provided with acceptable living conditions in relation to external space provision.

Vehicle, Cycle and Refuse Storage

16. The submitted plans indicate that the proposed development would be provided with an existing single garage located within a separate block, and that this would be used for both vehicle and cycle storage. I understand that this garage is currently associated with the existing hairdressing business and would be transferred to the proposed residential property.
17. The garage would enable the parking of a single vehicle associated with the proposed development, and this would be acceptable provision for a residential property of the scale proposed. This would result in the commercial premises losing the garage for its own use, however it is unlikely that the garage would be used by customers in any event.
18. In terms of cycle storage, this is indicated as also being accommodated within the existing garage, as would waste storage. Whilst no detailed plans relating to how the garage would accommodate these elements in addition to a car have been provided, I saw on my site visit that the garage appears to be of a standard single garage size. In my view it is unlikely that the garage would be capable of containing a standard sized car, along with cycle and refuse storage, and no evidence to the contrary has been provided.
19. Given the limited size of the proposed residential property, I consider that it would not be reasonable to expect a bike to be stored within the property, and with it being indicated that no external space would be available for the proposed development, I am led to conclude that there would be no adequate arrangements for refuse storage.
20. The proposed development would fail to provide adequate arrangements for the storage of cycles and waste. As a result, it would be contrary to WFLPCS Policy CS7 and WFLPDM Policy DM16 which require the provision of adequate

² Waltham Forest Local Plan Core Strategy 2012

cycle storage, and WFLPDM Policy DM32 which requires new developments to provide facilities for the storage, collection and disposal of refuse.

Other Matters

21. The proposed development would make a contribution towards the supply of housing within the borough, and the appellant has claimed that there is an acute shortage of residential units in the area. However, no further evidence in terms of the Council's current level of housing supply has been provided. Whilst Paragraph 60 of the National Planning Policy Framework highlights the importance of boosting the supply of homes, the contribution that a single occupancy studio flat would make to the housing supply would be limited and would not outweigh the harm that I have identified.

Conclusion

22. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
23. Therefore, for the reasons given above, I conclude that the appeal is dismissed

C Harding

INSPECTOR