



Appeal Decision

Site visit made on 12 July 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2022

Appeal Ref: APP/U5930/W/21/3282454

581 High Road Leytonstone, Leytonstone E11 4PB

- 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 Singh (Dilawar Property Limited) against the decision of Waltham Forest London Borough Council.
 - The application Ref 211708, dated 28 May 2021, was refused by notice dated 20 August 2021.
 - The development proposed is described as a very slight reduction in size of the existing ground floor commercial space and the creation of one residential unit at third floor through the creation of a mansard roof and dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to internal space and private outdoor space, and
 - whether the proposal contains sufficient information relating to sustainable development principles.

Reasons

Living Conditions

3. The appeal site is occupied by a three-storey mid-terrace building with a two-storey outrigger to the rear. During my site visit I saw that the entire property was under renovation, however the plans indicate that the ground floor will be occupied by a commercial unit with several residential units on the first floor and second floor.
4. Policy DM7 of the Waltham Forest Development Management Policies Local Plan (2013) (Local Plan 2013) seeks compliance with the minimum internal space standards which omit studio flats and 1 bed, 1 person homes because the Council does not support their provision in the borough. The smallest residential unit within the minimum internal space standards, a single storey 1 bed, 2 person home, should have a minimum gross internal area of 50 square metres (m²). With the proposed unit having 40.4m² of internal floor space, it would fall significantly short of this requirement.

5. The appellant has highlighted the Waltham Forest Urban Design Supplementary Planning Document (SPD) (2010) which states that a one person dwelling requires a minimum internal dwelling area of 37m² and the Waltham Forest Local Plan 2020-2035 Proposed Submission Document (2020) which requires a minimum gross internal floor area of 39m² for a 1 bedroom, 1 person dwelling. The proposed development would meet these requirements. However, the SPD is guidance only and was adopted before the Local Plan 2013, while the 2020 Local Plan is unadopted and in draft form. Accordingly, these are given limited weight when compared to the policies within the adopted Local Plan 2013. The appellant also states that the proposal would comply with the London Plan and National Space Standards in terms of its size. However, this does not lead me to a different conclusion with regard to the proposal's compliance in relation to Policy DM7 of the London Plan 2013.
6. The justification for Policy DM7 states that there has been growing concern over the decline of space in new homes and to ensure good quality homes are built, the Council considers that internal space standards are necessary. Regardless of the number of occupiers, a dwelling with a floor space of only 40.4m² would result in a small and cramped internal environment. The proposed layout, with a small kitchen located in the centre of the building served only by a rooflight, would add to the property's cramped nature. This would not be sufficiently remedied by the removal of the kitchen door and would not represent satisfactory living conditions for the future occupier. Therefore, the proposed residential unit would not provide suitable internal space for the future occupier and would not represent a good quality home in this location, as sought by Policy DM7.
7. It is noted that there are other 1 bedroom, 1 person dwellings within the locality, including at 573 High Road which was granted planning permission in 2019. It has been put to me that two of the units at No.573 are below the minimum internal standards, none have external amenity space, the kitchen in the third floor apartment is similar to that proposed here, and the same planning policies are applicable in both cases. Be that as it may, the specific circumstances behind these other units are unknown and their presence does not indicate that the living conditions provided by the 1 bed, 1 person unit proposed here would be satisfactory. It is also a well-accepted principle that each proposal is considered on the basis of its particular circumstances. I have therefore dealt with this case on its individual merits, based on the evidence before me.
8. The proposal does not include any outdoor space, which is also contrary to Policy DM7, stating that all homes should have access to an element of private external amenity space. It is noted that, due to the constraints of the site, the provision of outdoor space may not be possible and the supporting text to the policy sets out that external space will be considered on a site by site basis. The appellant has also highlighted, within their Design and Access Statement, that the appeal site has very good and close links to fantastic open spaces. However, no specific public open spaces, which could be used by the future occupiers, or their proximity to the appeal site, have been identified. The lack of external space in other residential units in the locality does not lead me to a difference conclusion.
9. For the reasons above, I conclude that the proposed development would not provide satisfactory living conditions for the future occupiers and would conflict

with policies DM7 and DM29 of the Local Plan 2013 and policies CS2, CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) (Core Strategy). These policies collectively seek to ensure that new residential development has a high standard and quality of design in terms of functionality, creates healthy and sustainable places and communities and is in accordance with internal and external amenity space standards.

10. Local Plan 2013 Policies DM6, relating to dwelling conversions and HMOs, and DM32, relating to the impact of development on neighbouring occupiers, are not relevant to this main issue or the development before me.

Sustainable Development Principles

11. Local Plan 2013 Policy DM10 requires developments of one or more units to be designed with regards to sustainable development principles and to achieve the Council's stepped targets towards zero carbon by 2016 for residential development. Although no information has been submitted in this regard, the available evidence and the minimal nature of the proposed development as a single residential unit indicate that this could be secured by way of a condition to be agreed with the Council before the development commences.
12. Consequently, as information relating to sustainable development principles could be secured by way of a condition, this would ensure that the proposal would not conflict with Core Strategy Policy CS4 and Local Plan 2013 Policy DM10. These policies ensure sustainable resource management and high environmental development standards by requiring development of one or more units to be designed with regards to sustainable development principles.

Conclusion

13. I have found that the proposal does not require information relating to sustainable development principles at this stage. Amongst other aspects the Council has also indicated that the proposed roof extension is acceptable in design terms. However, the proposed development would not provide satisfactory living conditions for future occupiers. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR