



Appeal Decision

Site visit made on 22 June 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/W5780/W/22/3290827

17 Ashgrove Road, Goodmayes, Ilford, IG3 9XE

- 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 Jianning Liang against the decision of London Borough of Redbridge.
 - The application Ref 2545/21, dated 27 August 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as loft conversion with a rear dormer. Hip to gable roof alterations. Conversion of property from 4x self contained flats (4x one bedroom) to 3x self-contained flats (1x three bedroom and 2 x one bedroom). Internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that reference is made to the 2018, 2019 and 2021 revisions of the National Planning Policy Framework (the Framework) through the various documents submitted. I have determined the appeal within the context of the current, 2021, revision of the Framework and consider that there would be no prejudice to the parties.
3. Whilst the appellant contends that 17 Ashgrove Road has been used as four flats for some time, the Council has noted that this does not have the benefit of planning permission. The Council is taking enforcement action against the conversion of the dwelling into the four flats. An appeal against this enforcement notice is not before me. For that reason, and as there is no substantive evidence that this use is authorised and, notwithstanding the description of development in the heading above, I have considered the scheme for the 3 flats relative to a dwelling house.

Main Issues

4. The main issues are:
 - whether the proposed conversion to flats would result in the loss of a larger family sized home and would be acceptable with regards to development plan policies and the character of the area;
 - whether the living conditions of future occupiers of the proposed development would be acceptable in respect of internal and external space; and

- the effect of the proposed development on the living conditions of neighbouring occupiers in respect of noise and disturbance.

Reasons

Character

5. The appeal area is predominately residential consisting of two-storey terraced properties with front paved areas and rear gardens. The proposal would convert the property into one, three bedroom, and two, one bedroom flats. It would not significantly change the front elevation or visual character of the area but would include a roof conversion and rear dormer extension.
6. Section 5 of the Framework refers to delivery of a wide choice of quality homes. Policy LP5 of Redbridge Local Plan 2015-2030 (2018) (RLP) recognises this and seeks to secure a range of homes to provide mixed communities. It prioritises the provision of larger family homes with three bedrooms or more and details that the dwelling mix will be considered on a site by site basis. It also sets out that regard will be given to, amongst other matters, site size and constraints and the surrounding context and character. Policy LP6 of the RLP sets out various criteria where dwelling conversions to multiple residential occupation would be supported. Amongst other matters this includes (a) the property is within a Metropolitan, District or Local Centre, and (c) no significant loss of character or amenity occurs to the area.
7. Ashgrove Road is characterised as being predominately residential and made up of mainly single family dwellings with some flat conversions and a fairly low housing density. This gives the area a relatively quiet character. The proposal would provide a mix of residential units and would include a three bedroom family unit. It would therefore meet the Council's aim of creating a range of homes and the provision of a larger family home as defined by the RLP Policy LP5.
8. The proposal would increase the number of dwellings in the area and this would be likely to result in an increase in the movement of people and cars to and from the area. However, given the scale of the development, the increased activity would not be a significant change to existing levels and would have a negligible effect on the area's suburban character. The proposal would therefore not conflict with RLP Policy LP26 which requires development to, amongst other matters, respect the local character of the area.
9. However, although the proposal is close to the Goodmayes Town Centre and would have good public transport links and be near to essential services, it would not be within a designated Metropolitan, District or Local Centre. Accordingly, while the proposal would not result in the loss of a larger family sized home or adversely affect the character of the area, it would not accord with RLP Policy LP6.

Living conditions of future occupiers

10. While the Framework's footnote 49 advises that planning policies for housing may make use of the nationally described space standard, Policy LP29 of the RLP clearly requires compliance with them and details minimum external amenity and internal living space standards for new dwellings. While it is noted that the London Plan was updated in 2021, the space standards detailed have

not changed significantly from that of the 2016 edition and are therefore still relevant.

11. On this basis, it is appropriate that the minimum GIA for the flat 1 (three bedroom) should be treated as having a five person occupancy and flats 2 and 3 (both one bedroom), be treated as a two person occupancy. Furthermore, flats 1 and 2 would be one storey dwellings and flat 3 would be a two storey dwelling, due to it using the roof conversion, and the minimum GIAs should reflect this. However, all of the flats would fall short of these minimum GIAs and would thus provide insufficient internal floorspace. The proposal therefore would not provide suitable living conditions for the future occupiers in terms of internal space.
12. In respect of outside space, Policy LP29 requires that private areas should be provided for each flat with the minimum required area of 5m² for up to two person dwellings and an additional 1m² for each additional occupant. Flat 1 would achieve this requirement. Flats 2 and 3 would only be provided with a communal area and each flat would not have a separate private area. This would be contrary to the policy and indicates that the occupiers of those flats would have inadequate living conditions.
13. In conclusion, the proposal would not provide suitable living conditions for future occupiers in terms of internal space and in the case of flats 2 and 3 external space. It would therefore be contrary to Policy LP29 of the RLP.

Living conditions of neighbouring occupiers

14. While I found that the increased number of dwellings would have a negligible effect on the character of the area, the proposal would increase the number of families occupying the property and this would be likely to increase internal noise and disturbance. As part of this it is noted that the proposal would replace a bedroom at first floor level with a kitchen area for flat 3 which would be located directly adjacent to the neighbouring party wall. The increase in noise and disturbance could adversely affect occupants of the neighbouring properties. In this regard, I note that representation has been made by the neighbouring occupant with reference to current noise and disturbance experienced in relation to the existing use of the property as four flats.
15. Although the proposal would provide some sound proofing to the party wall to reduce noise impact, no details of the efficacy of this have been provided. There is therefore no certainty that this would provide adequate mitigation.
16. While paragraph 188 of the Framework identifies that planning policies and decisions should focus on the acceptability of land for development rather than the control of processes or emissions, paragraph 185 requires development, amongst other matters, to be appropriate for its location taking into account the likely effects on living conditions. Furthermore, Policies LP6 and LP26 of the RLP also seek, amongst other matters, to protect the amenity of neighbouring occupiers in relation to noise. It is therefore relevant and appropriate to ensure the proposal meets these policies and the Framework requirements and not to rely on controls set out in other legislation such as the Environment Protection Act. There is reasonable justification that noise could increase and as such evidence is needed to show that the proposal would not harm the neighbouring occupants.

17. In conclusion, the proposal would adversely affect the living conditions of neighbouring occupiers in respect of noise and disturbance. This would conflict with the relevant requirements set out in Policy LP26 of the RLP.

Planning Balance and other matters

18. The site lies within approximately 6km of the Epping Forest Special Area of Conservation (SAC) and the available evidence indicates that mitigation measures are required to make the development acceptable and avoid an adverse effect on the integrity of the SAC. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
19. The proposal would harm the living conditions of neighbouring occupiers and provide unacceptable living conditions for future occupants due to the provision of inadequate internal and external space. Given the site's location, the appeal proposal would also not accord with the development plan in relation to where conversions within the borough are considered acceptable. These matters attract significant weight in my assessment and draw the scheme into conflict with the development plan when read as a whole.
20. There is no dispute that, owing to the Council's housing delivery performance measured against the Housing Delivery Test results, Paragraph 11d) of the Framework would be engaged. At 59%, the delivery of housing over the last three years has been substantially below the housing requirement.
21. The proposal would deliver a wider choice of homes in an accessible area. It would provide two additional one bedroom flats which would assist in addressing the housing delivery issues in the area, consistent with the Government's objective to boost supply. However, given the small quantum of housing that would be delivered, the social and economic benefits of the proposed development would be relatively modest.
22. The delivery of homes should not come at the clear expense of harming the living conditions of neighbouring and future occupants. Given my findings in relation to these issues, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, there are no other considerations which outweigh the conflict with the development plan in this case.
23. The appellant refers to an appeal decision for the conversion of a single dwelling to two flats at 15 Christchurch Road. However, this decision had significantly less adverse effects compared to the proposal before me. As such it does not change my view regarding this appeal.

Conclusion

24. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR