



Appeal Decision

Site visit made on 13 September 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Appeal Ref: APP/U5930/W/21/3288880

579 Forest Road, Walthamstow, E17 4PP

- 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 Goran Ibrahim (Villa 1 Ltd) against the London Borough of Waltham Forest.
 - The application Ref 211144, is dated 28 June 2021.
 - The development proposed is described as "change of use from Storage (B8) to 1-bed Studio residential dwelling (C3)".
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Decision

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

Preliminary Matters

2. The Council did not determine the application the subject of this appeal within the prescribed period. The Council has not provided a statement in response to the appeal, nor identified relevant development plan policies against which to assess the proposed development. Accordingly, I have determined the appeal having regard to the National Planning Policy Framework (the Framework) and the Technical housing standards – nationally described space standard (the space standard). The appellant was invited to comment on these matters.
3. Internal works to enable the conversion appeared substantially complete at the time of my site visit. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the proposed development would provide an acceptable standard of accommodation for future occupiers.

Reasons

5. The building lies to the rear of a café with residential accommodation on the first floor. Access to the building and the first-floor accommodation is via a side passageway.
6. The Framework seeks to support the Government's objective of significantly boosting the supply of homes. The space standard sets minimum internal floor area requirements for new housing. For 1 person accommodation the space standard requires a minimum internal floor area of 37 square metres.
7. The application form lists the internal floor area of the building as 29 square metres. This is a significant shortfall that would result in the accommodation

being cramped and of low quality for future occupiers. There is an enclosed bathroom and the kitchen area is partitioned, with the remainder of the space comprising a small open plan area to accommodate both the sleeping and living area. The building has a private yard to its rear, but this is shallow and only provides a small amount of space for future occupiers.

8. The appellant has referred to a similar development at a nearby site that was permitted having been in place for 6 years. This indicates that the property was granted a certificate of lawful development, where the only test would have been whether the premises was occupied continuously for more than 4 years. In any case, I have no evidence whether that property provided an acceptable standard of accommodation.
9. The development would create 1 new dwelling to add to the Council's housing stock. The appellant contends that the building has been fitted out to a good standard and would provide sufficient space for them to sleep, eat, prepare food and enjoy privacy in a location close to their business. However, there is no guarantee that the property would always be occupied by someone working nearby, nor that it would be attractive to future occupiers given its size. These benefits therefore attract limited weight.
10. Set against this is the significant shortfall in floor area of the proposed unit, considering the absolute minimum of 37 square metres sought in the space standard. The accommodation would be cramped even for a single occupant and would overall fail to provide an acceptable standard of accommodation for future occupiers. The identified benefits would not outweigh this harm.

Conclusion

11. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR