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# Appeal Decision

Site visit made on 15 August 2022

**by J Symmons BSc (Hons) CEng MICE**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 October 2022**

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**Appeal Ref: APP/E5900/W/22/3293689**

**97 Lichfield Road, London E3 5AU**

- 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. Meer Sharif against the decision of London Borough of Tower Hamlets.
  - The application Ref PA/21/02297, dated 16 October 2021, was refused by notice dated 13 December 2021.
  - The development proposed is described as the 'conversion of 2 bed house into two self contained flats (1 x 2 bedrooms on ground floor and 1 x 1 bedroom on first floor)'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - the effect of the proposed development on the living conditions of future occupiers having regard to internal and private external space;
  - the effect of the proposal on the character and appearance of the Tredegar Square Conservation Area (TSCA); and
  - whether the proposal would provide sufficient cycle storage facilities.

## Reasons

### *Living conditions*

3. The proposal would convert the appeal property to provide a two bedroom ground floor flat and a one bedroom first floor flat.
4. Policy D.H3 of the Tower Hamlets Local Plan 2031 (Local Plan) requires, amongst other matters, that development provides, as a minimum, the space standards set out in the most up-to-date London Plan. It also defines the minimum private outdoor space required for new development. The current London Plan was published in 2021 and Policy D6 sets out, amongst other matters, the minimum standards for internal and private external space for flats of different size and occupancy. The Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) also sets out minimum required internal floor space.
5. These policies and standards set out that a two bedroom, three person, flat, is required to provide a minimum gross floor area of 61m<sup>2</sup> and a one bedroom, two-person, flat would be required to provide a gross floor area of 50m<sup>2</sup>. They also require double bedrooms to have a gross internal area of 11.5m<sup>2</sup> and a

minimum width of 2.75m while single bedrooms are required to have a 7.5m<sup>2</sup> gross internal area and a 2.15m width. The Council advise that the proposal would provide a gross floor area of 37m<sup>2</sup> for the two bedroom flat and a gross floor area of 21m<sup>2</sup> for the one bedroom flat to which there is no contradictory evidence. Furthermore, according to the Council's measurements the two bedroom flat's double bedroom would have a gross internal area of 9m<sup>2</sup> with minimum width of 2.1m, and the single bedroom would have a gross internal area of 5m<sup>2</sup>. For the one bedroom flat, the Council indicated that this would have a gross internal area of 9m<sup>2</sup> with minimum width of 2.1m, and the single bedroom would have a gross internal area of 5m<sup>2</sup>. These figures are not disputed by the appellant, and it is evident that neither proposed flat would meet the standards in terms of gross floor area, the required bedroom gross internal area or the bedroom width standards. The proposal therefore would fail to meet the required internal space standards in the London Plan or the NDSS.

6. In relation to private external areas, Policy D.H3 of the Local Plan, Policy D6 of the London Plan and the NDSS require dwellings to provide 5m<sup>2</sup> of private outdoor space for one to two person with an additional 1m<sup>2</sup> for additional occupants. The rear and side gardens would meet this required standard for the ground floor flat however, no private external space is identified for the first floor flat. As such the proposal would fail to meet the required private external area standard.
7. The appellant contends that the proposal meets the Lifetime Homes policy, but no details have been submitted of this or any supporting evidence to demonstrate why it should be used in preference to Policy D.H3 of the Local Plan, Policy D6 of the London Plan and the NDSS.
8. The decision notice details that the proposal is contrary to Policy D7 of the London Plan. However, no specific concerns relating to accessible dwellings have been presented to this appeal. Policy D7 is applicable to any other residential dwelling created that is covered by the provisions of Part M, volume 1 of the Building Regulations and are required to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' standard. However, the supporting text of the policy states that this generally relates to new build dwellings rather than the conversion of existing properties such as the appeal proposal. As such, I have not addressed this matter further nor included reference to this policy in my decision.
9. Cumulatively, taking the above matters into account, I conclude that the proposal would not provide acceptable living conditions for future occupants having regard to internal and private external space. It would be contrary to the requirements of Policy D.H3 of the Tower Hamlets Local Plan, Policy D6 of the London Plan or the NDSS for the reasons described above.
10. The proposal would also fail to accord with paragraph 130(f) of the National Planning Policy Framework (the Framework) which seeks to ensure developments create places with a high standard of amenity for future users.

#### *Character and appearance*

11. The Tredegar Square Conservation Area Character Appraisal (2016) details how the area was developed to a grid and uniform pattern. The character of most streets is created by the repetition of architectural elements to create continuous building frontages. This quality is particularly apparent within long

views. Originally each road contained houses built in the same style at the same period and there is still considerable unity which is a significant theme of the street scene today. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the TSCA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. The appeal site is a two storey semi-detached property on the south side of Lichfield Road at the junction with Grove Road and is within the TSCA. The appeal site along with its adjoining property, form the end pair of a row of semi-detached properties which all have near identical front elevations and fenestrations. The row creates a relatively consistent character and appearance to this part of the area which positively contributes to the character of the TSCA.
13. The conversion of the appeal property into the two self-contained flats would include a single storey side and rear extension and, to allow access to the first floor flat, the replacement of the front existing window with a new access door and smaller window.
14. The proposed front fenestration changes to the appeal property would be, due to its prominent location to the road, highly visible. The change would remove the consistent and symmetrical appearance that exists with the adjoining and neighbouring semi-detached properties. It would look out of place within this part of the area and harm the character and appearance of the TSCA. In relation to the proposed side and rear extensions, these have been previously granted consent. Due to their rear location and boundary fence screening, they would have a negligible effect on the appearance of the building and would not harm the character of the TSCA.
15. Paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. The appeal property's front fenestration makes a positive contribution to the character and appearance of the designated heritage asset and the harm this proposal would have to the significance of the TSCA would be 'less than substantial'. In accordance with paragraph 202 of the Framework, the public benefits must be balanced against any harm found.
16. The proposal would convert the appeal property into two flats, and public benefits would arise through the creation of an additional dwelling, the economic benefits associated with construction and in the materials supply chain. However, as the proposal would only result in the creation of a single dwelling, these would be limited which would not be sufficient to outweigh the harm to the TSCA.
17. It is appreciated that the external materials proposed would match the existing building materials to keep the architectural context of the property. However, this would not address the harm I have found from the loss of consistency to the front fenestration.
18. Consequently, the proposal would result in harm to the character and appearance of the area and fail to preserve or enhance the TSCA. It would conflict with Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan and

Policies D4 and Policy HC1 of the London Plan. Together, these policies seek the use of the highest design standards which preserve or, where appropriate, enhance the borough's designated and non-designated heritage assets in a manner appropriate to their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

19. It would also not comply with the Tredegar Square Conservation Area Character Appraisal and Management Guidelines, which aims to define the qualities and features that make the Conservation Area special and provide guidelines for development.

#### *Cycle Storage*

20. The proposal does not include the provision of cycle storage. The appellant has proposed to install cycle parking bays in the gardens and to secure this requirement through an appropriately worded planning condition. While this approach would normally be acceptable, in the absence of any detail before me there is uncertainty that this could be provided in a form appropriate to the Conservation Area.
21. The Planning Practice Guidance amongst other matters, advises that planning conditions should be clearly seen to be fair, reasonable and practicable. On this basis and in the absence of any details to the contrary, there is no certainty that a planning condition for the cycle storage would be practicable.
22. Consequently, I conclude that the proposal would not provide sufficient cycle storage facilities and would conflict with Policy D.TR3 of the Local Plan which requires developments to comply with the parking standards for vehicles and bicycles.

#### **Conclusion and planning balance**

23. The appeal proposal would result in a number of public benefits as set out above. However, as the proposal would only result in the creation of a net additional dwelling these benefits would be limited and not sufficient to outweigh the harm to the living conditions of future occupiers or the less than substantial harm to the TSCA. Furthermore, the proposed development would conflict with the development plan when read as a whole. In light of these factors and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

*J Symmons*

INSPECTOR