



Appeal Decision

Site visit made on 4 October 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/W5780/W/22/3295789

113 Pembroke Road, Seven Kings, Ilford IG3 8PF

- 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 Navjot Singh Bhogal against the decision of the London Borough of Redbridge.
 - The application Ref 4620/21, dated 16 November 2021, was refused by notice dated 28 January 2022.
 - The development proposed is conversion of existing dwelling into 2 flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Epping Forest Special Area of Conservation (SAC) is protected as a European Site of Nature Conservation Importance. It is therefore subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (as amended) which outline a duty to consider whether a proposed development may have a significant effect on the conservation objectives of such protected sites. I will return to this matter later in my decision.

Main Issues

3. The main issues are i) whether the proposal would result in the unacceptable loss of a family-sized dwelling and adverse effect on the character of the area and ii) whether the proposal would provide suitable living conditions for future occupiers of the upper floor flat with particular regard to internal and external space.

Reasons

Loss of a Family Sized Dwelling

4. The appeal site consists of an existing dwelling located in a residential street. The proposal would subdivide the existing property into a ground floor flat and upper duplex flat with rooms at first floor and attic level. The external appearance of the appeal building would remain the same and the activities arising from the provision of one additional (net) dwelling would not be particularly discernible, given the residential nature of the street. The character of the area would largely remain unchanged as a result of the proposal.
5. Policies LP5 and LP6 of the Redbridge Local Plan 2015-2030 (2018) (RLP) in combination seek to ensure that the Borough's housing stock provides for a

range of housing needs and sizes, with a focus on the provision of larger family-sized homes that are of 3 bedrooms or more. The Council advise that the Outer North East London Strategic Housing Market Assessment (2016) identified a significant need for larger homes of this size.

6. Criterion f of Policy LP6 requires conversions of larger homes into smaller self-contained units to provide at least one larger family sized home of 74sqm and a minimum of 3 bedrooms on the ground floor with access to a dedicated rear garden. The ground floor flat whilst having a rear garden, would not have at least 3 bedrooms. Subdivision of the existing dwelling into smaller units would therefore lead to an overall loss of family-sized accommodation.
7. The appellant states that the proposal would provide accommodation for 2 families rather than one. Be that as it may, the proposed accommodation would provide 2 relatively small 2-bedroomed flats, one of which would not have any outdoor space. Such accommodation is unlikely to provide a suitable standard of living space for growing families. There is no evidence before me that the population is increasing in adjoining areas and even if that were the case, there is no evidence that the type and size of accommodation proposed would meet the needs of that population.
8. Whilst I have found that the proposal would not adversely affect the character of the area, it would result in the unacceptable loss of a family-sized dwelling. Consequently, it is contrary to Policies LP5 and LP6 of the RLP which emphasise the provision of larger family-sized homes.

Living Conditions for Future Occupiers

Internal Space

9. Policy LP29 of the RLP confirms, amongst other things, that all proposals for new dwellings will be required to comply with the national internal space standards. These are set out in the Department for Communities and Local Government document, 'Technical Housing Standards – Nationally Described Space Standard' 2015 (NDSS). They include that the minimum floor to ceiling height is 2.3m for at least 75% of the gross internal area (GIA).
10. However, the more recently adopted Policy D6 of the London Plan (2021) specifies amongst other things that the minimum floor to ceiling height must be 2.5m for at least 75 percent of the GIA. It seems to me on the reading of this policy that its standards are to ensure that new dwellings are of a high quality in terms of space and daylight whilst avoiding overheating and overshadowing.
11. The evidence before me indicates that the first floor height of the upper duplex flat would exceed the NDSS standard of 2.3m but fall short of the London Plan requirement by 0.05m at 2.45m. However, the loft bedroom would have a ceiling height of 2.2m, 0.30m below the requirement set out in Policy D6 of the London Plan. The ceiling heights would be for less than 75% of the GIA, with only approximately one half of the attic bedroom having full head height, due to the front sloping roof. Whilst there are numerous window openings sufficient to provide adequate daylight, the feeling of space would be constricted due to the front roof slope. The rear portion of the loft bedroom is formed by a flat roofed dormer window which is likely to lead to heat loss in the winter and heat retention in the summer. Such heat retention would be exacerbated by the

limited ceiling height, making the room difficult to cool and providing poor living conditions for the future occupants.

12. The London Plan sets minimum standards. I attach greater weight to the conflict with this more recently adopted development plan policy when compared with the NDSS, given its specificity to housing developments in London. The appellant contends that GIA's for the proposed flats would exceed the minimum policy requirements in terms of floor area. Whether or not this is the case, Policy D6 does not include provisions for ceiling heights below the minimum requirements to be offset by larger floor areas.

External Space

13. A private garden area would be provided at the rear of the appeal property. However, this would be for the exclusive use of the proposed ground floor flat. The upper duplex flat being a 4 person 2-bedroomed unit is required by Policy LP29 of the RLP and Policy D6 of the London Plan to provide a minimum of 7sqm of private outdoor space. No such space is proposed. The GIA of the duplex flat does not lessen the need to provide a quality, functional private external space for future occupants to use for domestic purposes such as sitting out, drying washing, or children playing in the fresh air. In this regard the proposal for the duplex flat fails to provide an appropriate level of accommodation.
14. The development would not provide suitable living conditions for future occupiers of the upper duplex flat with particular regard to internal and external space. The proposal would conflict with the Policies LP29 of the RLP and D6 of the London Plan which aim to ensure that new development is of a high quality with regard to the provision of space to meet the needs of the future occupants.

Other Matters

15. Reference is made to a development considered similar at 275 Thorold Road, Ilford. However, the details of this planning permission including the plans and decision notice are not before me. I cannot therefore be certain that the proposal was for the same type of development, in the same context and determined under the same local plan policies. This does not affect my findings.
16. It is suggested that the proposal would provide off-street car parking and would not increase noise and disturbance as well as retaining satisfactory outlook and light for neighbouring dwellings. However, the absence of harm in these respects are neutral matters that weigh neither for, nor against allowing the appeal.
17. The Council has indicated that the proposal would result in a net increase in residential dwellings within the 6.2km zone of influence for the Epping Forest SAC which has also been designated as a Suitable Accessible Natural Green Space (SANGS) area by Natural England. However, there is no need to consider the implications upon the SAC/SANGS further, given the harm identified in respect of the other main issues above.

Planning Balance

18. The Council set out that its Housing Delivery Test results demonstrate recent under provision of housing delivery. As such, they confirm that the relevant policies for the supply of housing should not be considered up to date and paragraph 11(d)ii of the Framework should therefore be applied.
19. For the reasons given above, the proposed development would be contrary to Policies LP5, LP6 and LP29 of the RLP and D6 of the London Plan, given that it would result in the loss of a family-sized dwelling and that the replacement accommodation would not have sufficient internal and external space to provide high quality living conditions for the future occupants. These policies are consistent with the Framework which seeks to create a high standard of amenity for future users. The benefits of the appeal scheme would be the provision of 2 flats that would be located close to shops, services and public transport links. Whilst any contribution to housing delivery would be worthwhile, the benefits would be restricted to the provision of one net housing unit, which would make a very limited addition to housing supply.
20. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development. The policies of the Framework do not outweigh the conflict with the development plan, and I am therefore led to a dismissal of the appeal.

Conclusion

21. Whilst I have found that the proposed development would not be harmful to the character of the area, this is a neutral factor that does not outweigh the harm identified in respect of the loss of a family-sized dwelling, and the living conditions of the future occupants of the duplex flat. There are no material considerations in this instance that lead me to find other than in accordance with the development plan. The appeal is dismissed.

M Clowes

INSPECTOR