



Appeal Decision

Site visit made on 6 December 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/G5750/W/22/3298550

199 Parkhurst Road, Manor Park, London E12 5QU

- 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 Shubber Raja against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/02943/FUL, dated 22 November 2021, was refused by notice dated 22 February 2022.
 - The development proposed is conversion of a four bedroom house into two self-contained flats with loft conversion and a rear dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the supply of family sized housing within the Borough;
 - Whether the development would provide appropriate living conditions for the occupiers of the proposed ground floor property, with particular regard to internal storage space, outdoor amenity space and privacy;
 - The effect of the development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
 - Whether the development would provide suitable secure cycle storage.

Reasons

Loss of family sized accommodation

3. The appeal site comprises an end-terrace four bedroom dwellinghouse on a corner plot with a good sized front and rear garden. Parkhurst Road is residential in nature with on-street parking. The land to the side is a development under construction.
4. Policy H4 of the Newham Local Plan adopted 2018 (the Local Plan) specifically seeks to protect 3 and 4+ bedroom family housing. The supporting text confirms there is evidence for the supply of flats, however the need for family housing will not be met if existing stock is not retained. More general support for this approach, including seeking to enhance the delivery of family dwellings, is provided through NLP Policies S1 and H1 and London Plan, adopted March

2021 (the London Plan) Policies GG4 and H10 as supplemented by the Mayor of London Housing Supplementary Planning Guidance Housing adopted March 2016, updated August 2017 (the SPG).

5. NLP Policy H4 2.a. sets circumstances in which the conversion of 3+ bedroom housing may be acceptable and all four criteria must be satisfied in order for development to comply with the policy. There is no evidence that the site is within a town or local centre, nor that it is along either a movement corridor or linear gateway within 400m of a town or local centre. It is evident that the site is not above an existing, occupied commercial unit. The property does have access to external private amenity space and has a well defined front entrance. The proposal therefore does not meet the requirements of NLP Policy H4 2.a.
6. The appeal proposal would also be contrary to NLP Policy H4 2.b. as the existing property has four bedrooms, but neither of the proposed units would have four bedrooms.
7. While a 3 bedroom 5 person flat would be provided, it is clear from the supporting text that there is a sufficient supply of flats and that the intention of the policy is to retain the existing stock of family dwellings as those are in the highest demand. The limited benefits that would be associated with the delivery of an additional one bedroom flat would not outweigh the loss of the existing family dwelling and would undermine the Council's objective to retain and increase the amount of 3+ bedroom family housing within the borough.
8. With regard to this main issue, I conclude that the development would have a detrimental effect on the supply of family sized housing within the Borough. It would therefore be contrary to NLP Policies S1, H1 and H4 which seek to protect 3 and 4+ bed family accommodation and London Plan Policies GG4 and H10 and the SPG which seek to ensure that homes are of a size and type to meet identified needs. It would also conflict with the aims of paragraph 62 of the National Planning Policy Framework (the Framework) which also seeks to ensure that housing is of a size and type to meet the needs of the community.
9. The Council's decision notice refers to a number of policies. NLP Policies SP1, SP2 and SP3 which relate respectively to place making, healthy neighbourhoods and quality urban design. I find none of these are directly relevant to the main issue in this case. It also refers to London Plan Policy H8 which relates to loss of housing and it is not clear how this proposal would conflict with that policy.

Living conditions of future occupiers

10. The ground floor property would not comply with the internal space standards set out in London Plan Policy D6 as it would provide no built in storage space. Given the gross internal area of the ground floor flat is only a small amount above the necessary minimum set out in that policy, I consider this would fail to provide appropriate living conditions of future occupiers of the property as it would lead to cramped living conditions.
11. While private amenity space to serve the ground floor flat would be slightly above the minimum area required, it would not meet the minimum width requirements, as set out in London Plan Policy D6, which is necessary to ensure the private amenity space is of usable proportions. No details of how this space would be enclosed are before me. Without any form of enclosure, there would

be overlooking into not only the private amenity space, but to the openings serving the interior of the property. Consequently, there would not be an acceptable level of privacy for future occupants of the ground floor flat.

12. With regard to this main issue, I conclude that the development would not provide acceptable living conditions for proposed occupiers of the ground floor flat with regard to internal storage space, outdoor amenity space and privacy. It would fail to meet the internal space standards required by London Plan Policy D6 and the SPG which requires housing development to provide comfortable and functional layouts and NLP Policies S1, H1, SP2, SP3 and SP8 which seek to deliver quality housing that meets identified space standards and provides adequate living conditions for occupiers. It would also conflict with the aims of paragraph 62 of the National Planning Policy Framework (the Framework) which also seeks to ensure that housing is of a size and type to meet the needs of the community.
13. The Council's decision notice refers to a number of policies. London Plan Policy D3 seeks to optimise site capacity while GC4 refers to the strategic delivery of housing. NLP Policy SP1 relates to place making and no related harm has been specified.

Living conditions of neighbouring occupiers

14. At the time of my site visit, which I acknowledge represents a short moment in time, levels of activity, both pedestrian and vehicular were extremely low on Parkhurst Road. Notwithstanding, the additional movements likely to be generated by an additional one bedroom flat (given the existing property is a family dwelling) are likely to be low.
15. I have not been provided with details of the layout of the attached neighbouring property. However, the submitted floor layout plans show that ground floor flat and combined living/kitchen area of the upper floor flat which is most likely to give rise to additional noise and disturbance such as from the use of appliances, are both located away from the shared boundary wall with the adjoining property.
16. This distinguishes this case from the example cited by the Council where it is expressly stated that the kitchen/ living area would likely adjoin bedrooms to either side. It is also possible that any increase in the number of residents of the property overall would be limited, given the existing property is a four bedroom dwelling.
17. While concerns have been raised by surrounding residents about the management of the property, this would not be a reason to withhold planning permission. Further, there are provisions within other legislation which can address any unreasonable levels of noise which may arise.
18. With regard to this main issue, I conclude that the development would have an acceptable effect on the living conditions of neighbouring occupiers with regard to noise and disturbance. It would therefore be in accordance with NLP Policies SP1, SP2, SP3, SP8 and H1 which seek to ensure that Newham is an attractive place to live with healthy neighbourhoods and neighbourly development. It would also be in accordance with London Plan Policies D3, D6 and D14 which seek to protect quality of life and deliver appropriate living conditions including through the reduction and mitigation of the effects of noise.

19. The Council's decision notice refers to NLP Policy S2, however as this provides the over-arching strategic criteria and spatial strategy for Stratford and West Ham, no specific harm has been identified with regard to this main issue.

Cycle storage provision

20. London Plan Policy T5 sets cycle parking standards, which for this proposal would be at least three fit for purpose, secure and well-located cycle parking spaces. The submitted plans show provision for one cycle parking space within the ground floor of the building to serve the upper floor property.
21. However, the Council's report indicates that had they been minded to approve the application, this is a matter which could have been clarified. Given the layout of the site with a side access and sufficient space, it is reasonable that such provision could be secured through the use of a condition were the appeal to be allowed.
22. For the reason given above, I conclude that the development could provide sufficient cycle storage and comply with the requirements of London Plan Policy T5, NLP Policy INF2 and the associated aims of the Framework with regard to the provision of suitable secure cycle parking.

Other Matters

23. While the Framework seeks to significantly boost the supply of housing, the benefits from an additional one unit of small, flatted accommodation, of which the NLP has identified a sufficient supply, would be very limited.
24. No concern has been raised by the Council regarding the proposed dormer extension to support the conversion of the property. While I have no reason to disagree with this, it would at best be a neutral factor in the appeal.
25. The Council's report refers to the site being within the Zone of Influence for the Epping Forest Special Area of Conservation. As I have found this proposal to be unacceptable on other grounds, I have not considered this matter further, as at best it would be neutral factor in the determination of this appeal.

Conclusion

26. I have found the proposal would result in harm to the supply of family dwellings and would not provide acceptable living conditions for proposed occupiers of the ground floor flat. I attach significant weight to these conflicts with the development plan. While I have not found harm with regard to the living conditions of neighbouring residents and that the lack of cycle parking could be overcome by condition, these would not overcome the harms I have identified.
27. For the reasons given, the appeal scheme would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight that would indicate a decision should be taken otherwise. Therefore, the appeal should be dismissed.

J Downs

INSPECTOR