



Appeal Decision

Site visit made on 30 May 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/W5780/W/22/3311087

19 Trelawney Road, Hainault, Ilford IG6 2NH

- 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 Ms Lina Morkunaite against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2321/22, dated 10 July 2022, was refused by notice dated 8 September 2022.
 - The development proposed is the change of use of the ground floor to childcare on domestic premises (Use Class E).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the ground floor of the appeal property, along with its rear garden, were in use as a childcare facility. The upper floors were in use as a residential property, connected to the ground floor business, albeit it was not arranged in the layout as indicated on the proposed plans. For the avoidance of doubt, I have considered this appeal against the submitted plans.

Main Issues

3. The main issues are:
 - the effect of the proposal on local housing supply;
 - whether satisfactory living conditions would be provided for the occupiers of 19 Trelawney Road, with particular regard to internal and external space; and
 - the effect of the proposal on the living conditions of nearby residents, with particular regard to noise and disturbance.

Reasons

Housing supply

4. The Council has highlighted that there is a significant need for larger homes in the area, with the latest housing need figure which I have been provided with showing 84% requiring homes of over three bedrooms or more. Larger/family homes are those comprising three bedrooms plus.
5. Policy LP6 of the Redbridge Local Plan 2015-2030 (March 2018) (the RLP) seeks to protect the existing housing stock, particularly larger homes in the

borough and ensure they provide a range of homes in terms of size. This policy sets out criteria which must be met for the conversion of dwellings into smaller self-contained units.

6. Although the childcare facility is currently in operation, it is important that I consider the lawful use of the property, which is as a single dwelling. The dwelling is of a size capable of providing three bedrooms thus the proposed development would result in the loss of a family dwelling to the local housing stock. It would fail on criteria (a) and (f) of RLP Policy LP6 in particular. Concerns regarding living conditions will be discussed further below.
7. Furthermore, the proposal would result in the actual loss of a dwelling available on the open market in its entirety as the upper floor accommodation would only be available for use by a person connected to the childcare facility. The appellant has confirmed that they will reside at the property.
8. Accordingly, the proposal would result in the loss of a family dwelling which would result in erosion of the borough's larger housing stock. It therefore fails to comply with Policy LP6 of the RLP, as described above.

Living conditions for future occupiers

9. The proposed plans indicate that the upper floor accommodation would comprise of one bedroom, a kitchen, separate living/dining space and a bathroom. Each habitable room would be served by windows which would provide an outlook and good levels of light and ventilation.
10. However, Policy D6 of The London Plan, The Spatial Development Strategy for Greater London (March 2021) (The London Plan) requires gross internal floor areas to comply with the Technical Housing Standards - Nationally Described Space Standard. The total amount of internal space provided by the upper floor accommodation would fall below the minimum requirement. Whilst the shortfall is not substantial, the internal space in total would nevertheless be restricted, with limited storage, particularly in the kitchen, and circulation space. Overall, it would result in uncomfortably cramped and poor-quality accommodation.
11. Externally, I observed that the garden space of the property has been laid out for use by the childcare facility. It would not be available solely for use by the occupiers of the upper floor accommodation and access to the rear garden would either be through the childcare facility or through a side access.
12. Nonetheless, as it is clear that the upper floor accommodation would be for a person associated with the childcare facility it would not be unreasonable for the garden space to be shared and accessed in such a way. Moreover, the garden area would become private space for the future occupiers in evenings and weekends when the childcare facility would be closed.
13. Notwithstanding the provision of garden space, the proposal would fail to provide satisfactory internal living conditions for future occupiers. It therefore conflicts with Policy D6 of the London Plan and Policy LP29 of the RLP which collectively seek to ensure that the design of housing provides adequate living space. It would also fail to accord with the aim in paragraph 130 of the National Planning Policy Framework (the Framework) of creating places with a high standard of amenity.

Living conditions of nearby residents

14. The appeal property is an end of terrace dwelling located within a residential area comprised of predominantly two storey terraced properties. The area is therefore tight knit, thus the appeal dwelling has a close relationship with neighbouring properties.
15. The proposed childcare facility could accommodate up to 21 children at any one time, along with up to 6 members of staff. As such, a substantial number of people could be arriving to and leaving from the property throughout the course of the day.
16. Given the appeal sites Public Transport Access Level of 3, I consider it likely that many children and staff would arrive to the site by means of a vehicle. There would be noise resulting from vehicles arriving and departing from the site, engines running and the opening and closing of car doors. Further noise is likely to arise from children and adults talking and congregating around the site.
17. I appreciate that noise associated from vehicles and people passing are established features of the suburban soundscape. However, the levels of activity associated with this proposal would be significantly more intensive than typical domestic activity of a single family dwelling of this size. Even if visiting cars were to park further along the highway away from the site, the general activity would be distinguishable as being associated with the appeal property.
18. It is suggested that an operation management plan may stipulate staggered pickup/drop off times. I am not convinced that this approach could satisfactorily mitigate against the significant number of comings and goings which would be experienced by neighbouring occupiers throughout the course of the day. There would remain consistently high levels of activity throughout the day, particularly during peak morning and afternoon periods.
19. The submitted Noise Impact Assessment¹ indicates that the predicted average level of impact from child's play activity in the rear garden meets the limiting level, although at times may be slightly in excess. The predicted maximum noise levels are below the limiting guidance level. I acknowledge that these results assume all children are engaged in boisterous play in the same area of the garden.
20. It is nevertheless clear that child's play will be audible above the residual noise climate in the gardens of neighbouring properties. Whilst this type of noise is an established domestic feature in residential areas, taking into consideration the total number of children and the suggested limit which may be placed on the number of children using the garden at any one time, it is likely that levels of noise would be consistently high throughout the day, as groups of children utilise their set time outdoors. This would be uncharacteristic of a single family dwelling, where lulls in play and thus the resultant drop in noise would likely occur at points throughout the day. In this instance however, neighbouring occupiers would get little respite.
21. Given the above concerns, the proposal would harm the living conditions of neighbouring occupiers and thus it would conflict with Policies LP17, LP24 and LP26 of the RLP and Policy D13 of the London Plan. Collectively these seek to

¹ Venta Acoustics, Noise Impact Assessment, Report VA4230.220609.R1, 17 June 2022

ensure that developments do not result in any adverse effects on the amenity of neighbouring occupiers.

Other Matter

22. The Council's Housing Delivery Test results demonstrate recent under-provision of new housing. Notwithstanding my concerns above regarding the type of accommodation proposed and the effect on local housing supply, as this proposal does not result in the provision of housing, paragraph 11d) of the Framework is not engaged.

Planning Balance and Conclusion

23. The proposed change of use would result in the creation of up to 6 jobs. This is a clear benefit of the proposal and one which is likely to endure long-term. Given the number of jobs, the weight attributable to this benefit is no more than moderate.
24. The proposal would also facilitate a generous number of childcare places. Policy LP17 of the RLP provides support for community infrastructure outside of town centres where they are local in nature and scale, where a local need can be demonstrated and where there is no undue impact on the amenity of existing residents or highway network. I have already found harm with regards to the living conditions of neighbouring residents.
25. Even if the proposal is local in scale, the information relating to local need is lacking. I cannot accurately determine that the purported demand for the proposal is reflective of the need for such facilities in the locality or for other reasons. There may be additional provision or capacity for childcare which other nearby facilities can meet. Therefore, whilst the childcare provision is a clear benefit, this attracts no more than moderate weight in favour of the proposal.
26. Conversely, the proposal would harm the supply of family sized dwellings in the borough and the living conditions of existing and future occupiers. Collectively this harm attracts very substantial weight and thus outweighs the benefits associated with the proposed development.
27. The proposal therefore conflicts with the development plan as a whole and there are no other considerations of sufficient weight, including the Framework, which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR