



Appeal Decision

Site visit made on 11 July 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/G5750/W/22/3312329

3 Plaistow Park Road, Plaistow, Newham, London E13 0SA

- 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 Miss S Ring against the decision of the Council of the London Borough of Newham.
 - The application Ref 22/02213/FUL, dated 12 September 2022, was refused by notice dated 17 November 2022.
 - The development proposed is creation of 2 self-contained flats with single storey ground floor side extension, associated cycle storage, bin storage and amenities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name is different on the application form and the appeal form. The name in the banner heading above is taken from the appeal form which the appellant has confirmed is correct.

Main Issues

3. The main issues are the effect of the proposal on the:
 - supply of family housing in the borough; and
 - living conditions of the occupiers of neighbouring dwellings, with regard to noise and disturbance.

Reasons

Family housing

4. The London Plan (2021) (LP) and Newham Local Plan 2018 (NLP) seek the creation of inclusive communities with a mix and balance of good quality housing types that provide for identified needs. Policy H8 of the LP says that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. The NLP at Policy H4 protects 3 bed and 4+ bed family housing in order to re-shape the existing housing stock. In adopting this approach, the Council recognises that the greatest housing need within the borough is for family sized dwellings, and the overarching strategy of stabilising the population includes a focus on protecting family housing. As such, there is a clear requirement to protect existing family housing in the borough.

5. The appeal property is a four-bedroom dwelling that meets the definition of family housing in the NLP. The proposed development would result in the subdivision of the property into two self-contained flats and would therefore result in the loss of a family sized dwelling that the NLP identifies as in highest demand.
6. Policy H4 also includes exceptions where subdivision may be acceptable, which for large family dwellinghouses of 4+ bedrooms, may be appropriate where the new units are also 4+ bedrooms. The proposal would provide a two-bed flat and a three-bed flat. The appeal property is spacious and the appellant suggests that both flats are capable of occupation by a family, however only the three-bed flat would meet the council's definition of family housing. Nevertheless, the proposal would not comply with the criteria set out in Policy H4 and as such the subdivision would not be acceptable.
7. Therefore, the proposal would harm the supply of family housing in the borough, in conflict with policies GG4, H8 and H10 of the LP and policies H1, H4, S1, S6, SP1, SP2 and SP3 of the NLP. Amongst other things, these policies seek to protect family housing to ensure an appropriate mix of housing to provide for locally identified needs within mixed and balanced communities. It would also be contrary to the provisions of the Housing Supplementary Planning Guidance (2017) and the National Planning Policy Framework (2021) (the Framework) with regard to the provision of a mix of housing to meet identified needs, including family sized housing.

Living conditions

8. The appeal property is a 3-storey mid-terrace building with a small front garden in a residential street. It's location within a row of terraces with shared party walls on both sides creates a sensitive relationship with neighbouring occupiers.
9. I note that sound insulation plaster boards are said to have been installed, and even if there have been no issues with noise and disturbance when the property has previously been used as flats, the proposed development would result in an uplift in the number of comings and goings to the property. This would be more marked and intensive than that which could reasonably be expected to be associated with a single household and would result in different patterns of movement. Consequently, there would be a greater potential to generate noise and disturbance. Owing to the proximity of neighbouring occupiers, this would be to the detriment of their living conditions.
10. For the reasons given, the proposal would cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings, with regard to noise and disturbance, in conflict with policies D3, D4 and D14 of the LP, and policies S2, SP1, SP2, SP3, SP8 and H1 of the NLP. Amongst other things, these policies seek development that creates healthy places to live through housing design, and ensure development achieves good neighbourliness and quality of life, avoiding adverse noise impacts. It would also be contrary to the Framework which at Section 12 seeks places that have a high standard of amenity for existing and future users.

Other Matters

11. I note that the top two floors of the appeal property are currently vacant. However, while making efficient use of the property would be a modest benefit of the proposal, it has not been shown that the appeal scheme is the only way to achieve this. Even if other properties on the same street have been converted into flats without planning permission, this is not a reason in itself to allow harmful development, and in any event, I must determine this appeal on the planning merits of the scheme.

Conclusion

12. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR