



Appeal Decision

Site visit made on 1 May 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/W5780/W/23/3328515

137 Grange Road, Ilford, Redbridge IG1 1HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nimesh Patel against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 1307/23.
 - The development proposed is conversion of existing dwelling into two flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

3. The main issues are:
 - Whether the proposed change of use would be acceptable, with particular regard to the proposed housing mix and the effect on the supply of family-sized dwellings;
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal and external space provision;
 - Whether the proposal would provide adequate off-street car parking and the effect on highway and pedestrian safety;
 - Whether the proposal would provide adequate cycle parking; and
 - The effect of the proposal on the character of the area.

Reasons

Change of use

4. The appeal site comprises a 2-storey terraced house, with accommodation in the roof space. It is laid out as a single dwelling with living accommodation at ground floor and 3 bedrooms on the upper floors. The proposal seeks to subdivide the existing house into 2 self-contained flats comprising a single-bed ground floor flat, and a 2-bed first and second floor flat.

5. Policy LP5 of the Redbridge Local Plan 2015-2030 March 2018 (the Local Plan) seeks to secure a range of dwelling sizes and tenures, particularly focusing on the provision of larger family homes (three bed plus) in line with the preferred housing mix.
6. The Havering and Redbridge Local Housing Need Assessment Update November 2023 (LHNA) indicates that 3-bed dwellings remain in greatest need across both affordable and market housing tenures. The appeal proposal would fail to provide a 3-bed unit and therefore would not provide an appropriate housing mix, contrary to Policy LP5 of the Local Plan.
7. Policy LP6(1) of the Local Plan states that the Council will only support the conversion of larger home(s) into smaller self-contained units (C3) subject to compliance with specific criteria ((a) to (f)). While the site is not located within a Metropolitan, District or Local Centre, the Council considers that the location criteria of Policy LP6(1)(a) are now out of date due to the housing delivery figures for the Borough.
8. Nevertheless, the evidence indicates that the gross internal floor area of the existing dwelling is approximately 128m², when discounting the eaves storage in the loft. The appellant contends that the eaves storage should be included in the calculation. However, Policy D6 of the London Plan March 2021 (the London Plan) indicates that any area lower than 0.9m such as this should not be counted at all when calculating gross internal area. The proposal would thus conflict with Policy LP6(1)(b) of the Local Plan, which requires the existing gross floor area to be greater than 130m².
9. In respect of criteria (f), the appeal proposal does not provide a 3-bed home, with the ground floor unit providing only one bedroom. Moreover, the evidence before me indicates that both proposed units would be smaller than 74m².
10. In view of the above, even if criteria (a) is considered out of date, the proposal would remain contrary to criteria (b) and (f) of Policy LP6(1) of the Local Plan. Additional conflict with criteria (d) and (e) arises from my conclusions on the other main issues set out below. The proposal would therefore be contrary to Policy LP6, taken as a whole.
11. I conclude that the proposed change of use would not be acceptable, with particular regard to the proposed housing mix and the effect on the supply of family-sized dwellings. The appeal proposal would conflict with Policies LP5 and LP6 of the Local Plan, for the reasons set out in detail above.

Living conditions

12. The proposed ground floor unit would provide a Gross Internal Area (GIA) in accordance with the space standards set out in Policy D6 of the London Plan. However, the plans before me indicate that "FLAT #2" would have an area of 63 m², when excluding the eaves storage, as required by Policy D6. This would fall short of the 70m² GIA required for a 2-bed, 3-person, 2-storey dwelling.
13. While the ground floor unit would retain access to the existing rear garden of the property, the proposed upper floor unit would be provided with no private outside space, contrary to the provisions of Local Plan Policy LP29 and Policy D6 of the London Plan. This would be compounded by its limited internal size.

14. The proposal would therefore fail to provide adequate living conditions for future occupiers, with particular regard to internal and external space provision. It would be contrary to Policies LP26 and LP29 of the Local Plan, and Policy D6 of the London Plan. These policies, among other provisions, seek to provide high standards of accommodation for housing in terms of size, quality and arrangement of internal and external space.

Car parking and highway safety

15. The site is walkable from the centre of Ilford and local shops and services, though it still maintains a low Public Transport Accessibility Level (PTAL) of 1b. The appeal proposal includes provision for 2 car parking spaces to the front of the property. This would be one space short of the maximum parking provision set out in London Plan Policy T6.1 for dwellings of this size in this location. Local Plan Policy LP23 states that proposals for a lower provision of parking than indicated as the maximum standard will be considered against criteria including the levels of public transport accessibility, availability of public on street parking and the outcomes of any parking stress survey.
16. Local Plan Policy LP23 also requires a regular car parking space to achieve a minimum size of 4.8m by 2.4m. Based on the plans before me and my observations on site, it is not clear that the space to the front of the appeal site is of sufficient size to accommodate the proposed level of car parking, in addition to the proposed cycle parking and bin storage, while maintaining adequate pedestrian access. In practice, the site is therefore likely to be able to accommodate only one vehicle.
17. I saw on my site visit that parking restrictions are in place during the daytime on the stretch of road immediately in front of the appeal site. The amount of space available for on street parking is also limited by the prevalence of driveways and dropped kerbs in the vicinity and the proximity to the adjacent junction. There is otherwise limited information before me regarding the availability of on street parking, and a parking stress survey was not provided.
18. In view of this, and in the context of the site's relatively low PTAL, it is likely that the appeal proposal would result in additional on street parking pressure that would have a deleterious effect on highway and pedestrian safety.
19. I conclude that the proposal would fail to provide adequate off-street car parking and would have a harmful effect on highway and pedestrian safety. It would be contrary to Policy LP23 of the Local Plan and Policy T6 of the London Plan. These policies, among other provisions, seek to ensure new development provides sufficient car parking, and that this is restricted in line with levels of existing and future public transport accessibility and connectivity.

Cycle parking

20. Cycle parking for 2 bicycles is proposed at the front of the site, to serve the proposed upper floor flat. This quantum of cycle parking would be in accordance with the minimum requirement set out in London Plan Policy T5.
21. However, as above, the plans before me do not clearly demonstrate that the area to the front of the property is of sufficient size to accommodate the proposed cycle parking provision, alongside the proposed car parking and bin storage, while maintaining adequate pedestrian access. I therefore do not find that it would be fit for purpose, secure and well-located.

22. The proposal would fail to provide adequate cycle parking. It would be contrary to Policy LP23 of the Local Plan and Policy T5 of the London Plan. These policies, among other provisions, seek to ensure development proposals help remove barriers to cycling and create a healthy environment in which people choose to cycle including through the provision of sufficient cycle parking.

Character of the area

23. The appeal site is within a residential area. It is predominantly characterised by terraced houses. Based on the evidence and my own observations, it consists primarily of family sized dwellings.
24. The appeal proposal does not include any external alterations to the existing building and thus its appearance would not appreciably change. However, it would result in the creation of an additional residential unit within the appeal site and thus would represent an intensification of the existing use. Nevertheless, the existing and proposed uses remain residential.
25. The building would have two sets of occupants, and therefore operate differently to a larger single-family home. The proposed units may be more suited to individuals, couples or small families. However, any change in activity would likely be modest.
26. Neighbouring dwellings in this area typically benefit from commensurate rear garden spaces. While the upper floor flat would not be provided with any private amenity space, this divergence would be largely imperceptible and the ground floor flat would retain the rear garden space in full.
27. I therefore find that the proposal would not have an unduly harmful effect on the character of the area. I have not identified any conflict with Policy LP26 of the Local Plan in this regard. This policy, among other provisions, seeks to secure high quality design in all development that respects local character and is well integrated, with regard and respect for the surrounding area, including in terms of layout. I have also not identified any conflict with criterion (c) of Policy LP6(1) of the Local Plan in this regard.

Other Matters

28. Paragraph 11(d) of the Framework indicates that the presumption in favour of sustainable development is engaged where the policies which are most important for determining the application are deemed out-of-date. This includes, for proposals involving the provision of housing, situations where the Housing Delivery Test (HDT) indicates that the delivery of housing was below 75% of the housing requirement over the previous 3 years.
29. The Council has provided updated HDT figures indicating that the delivery of housing based on 2019-2022 performance is 50% of the annual housing target. This is a significant undersupply and so the delivery of new housing must be afforded considerable weight. In such cases, Paragraph 11(d) states that permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

30. Chapter 5 of the Framework seeks to significantly boost housing supply. It highlights that small sites can make important contributions to housing requirements. Paragraph 123 also promotes the effective use of land in meeting the need for homes. The development would provide a temporary economic boost during the conversion works, reuse previously developed land, and contribute to housing delivery in the Borough. Lifetime homes standards would also be incorporated. Additional residents may also contribute to the local economy and vitality of the community. However, these benefits would be modest given the small scale and context of the development.
31. Moreover, Paragraphs 61 of the Framework indicates that policies should be informed by a local housing need assessment, and that the size, type and tenure of housing needed for different groups in the community should be reflected. I have found policies LP5 and LP6 of the Local Plan to be consistent with the LHNA and consistent with the Framework in this regard. I thus attribute significant weight to the identified conflict with these policies.
32. Paragraph 135 of the Framework seeks to ensure that developments create places with a high standard of amenity for future users. Policies LP26 and LP29 of the Local Plan, and Policy D6 of the London Plan are consistent in this regard. The identified harm and development plan conflict in respect of the living conditions for future occupiers therefore also attracts significant weight.
33. Additionally, Paragraphs 96, 108, 114 and 115 of the Framework seek to prevent unacceptable impacts on highway safety, encourage cycling, ensure parking is integral to the design of schemes and contributes to making high quality places and that opportunities to promote sustainable transport modes have been taken up, with safe and suitable access to the site for all users. This is consistent with Policy LP23 of the Local Plan and Policies T5 and T6 of the London Plan. I thus attribute appreciable weight to the failure to provide adequate car and cycle parking, and the associated development plan conflict.
34. The identified harm cumulatively attracts substantial weight. This would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Accordingly, Paragraph 11d(ii) of the Framework indicates that the presumption in favour of sustainable development does not apply in this instance.
35. In respect of Paragraph 11(d)(i), the appeal site lies within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC) which is afforded protection under Paragraph 188, in addition to the Conservation of Habitats and Species Regulations 2017 (as amended). The Council advise that a financial contribution is required to mitigate the impact of the proposed development in accordance with the Epping Forest Special Area of Conservation Mitigation Strategy.
36. The appellant has indicated that this payment has been made, though there is no evidence of this before me. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects on the integrity of the SAC including through the undertaking of an Appropriate Assessment. However, even if that were the case, it would at most be a neutral factor. As I am dismissing the appeal for other reasons, I do not need to consider this matter further as it could not lead me to a different conclusion.

37. The application form describes the tenure of the proposed flats as London Affordable Rent. However, no further information regarding this has been provided, and no mechanism to secure the flats as affordable housing is before me. Accordingly, I can attribute little weight to this.
38. My attention has been drawn to other developments at 275 and 379 Thorold Road, where the Council has previously granted planning permission for change of use of a single dwelling to 2 self-contained flats. Limited details of each of these cases are before me and so I cannot draw any meaningful comparisons to the appeal scheme. Notably however, both were considered in the context of an earlier Strategic Housing Market Assessment. Ultimately, this does not lead me to a different conclusion on the main issues.
39. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

40. The proposal would result in significant harm and development plan conflict with respect to the proposed housing mix, the effect on the supply of family-sized dwellings, the living conditions for future occupiers and the provision of car and cycle parking. While I have found the proposal to be acceptable with respect to the effect on the character of the area, this does not outweigh the identified harm and development plan conflict.
41. I therefore find that the proposal would be contrary to the development plan, taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR