

Appeal Decision

Site visit made on 9 July 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/W5780/W/24/3337282

100 Glengall Road, Redbridge, Woodford Green IG8 0DL

- 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 Ranu Hussain against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 1852/23.
 - The development proposed is the conversion of single dwelling into 2 flats including change from garage door to window in front elevation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is partly retrospective. The ground floor unit is occupied by two adults and a very young child. The unit on the upper floors is occupied by two adults and two very young children. I am mindful of the effect of dismissing the appeal on the current occupiers of both units. As such, I have considered the personal circumstances of the current occupiers, with particular regard to the Human Rights Act (HRA) 1998 and the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 (the Act) as a main issue in my decision.
3. The appellant applied for a one-bedroom one-person unit located on the ground floor and a three-bedroom four-person unit located on the first and second floors. The appellant has subsequently stated the correct position is that the unit on the upper floors would be a two-bedroom four-person home.
4. The parking spaces, cycle and refuse storage have not been laid out as submitted¹. The appellant has also suggested further revisions which would reduce the amount of off-street parking from two spaces to one. The occupant of the ground floor unit would not have a parking space and the location of cycle and refuse storage at the front of the building would also need to change.
5. In considering the above changes to the original scheme, I am mindful that the appeal process should not be used to evolve a scheme. No amended plans illustrating the above changes were provided to the Council by the appellant

¹ Drawing Ref: 2023/333/01 Block Plan; and Waste Management Statement June 2023: Recycling Plan

as part of the appeal process. Taking into account the different parking arrangements I cannot be certain that it would not lead to possible prejudice to interested parties, including the neighbours, and the occupiers of the ground floor unit if I was to accept the amended details. Therefore, I will determine this appeal on the basis of what was considered by the Council and on which interested people's views were sought.

6. The Epping Forest Special Area of Conservation (SAC) is protected as a European Site of Nature Conservation Importance. It is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Regulations') which outline a duty to consider whether a proposed development may have a significant effect on the conservation objectives of such protected sites. The Council has received a payment for mitigation of the proposal's impact in accordance with the Epping Forest SAC Mitigation Strategy. It confirms it is no longer pursuing the sixth reason for refusal. I return to this later in my decision.

Main Issues

7. The main issues are:

- the effect of the proposal on the supply of larger family sized homes;
- whether satisfactory living conditions would be provided for occupiers in respect of internal and external space;
- the effect of the development on highway safety with particular regard to the provision of off-street car parking;
- whether the proposal would make suitable provision for cycle parking; and
- the personal circumstances of the current occupiers.

Reasons

Family sized homes

8. The appeal building is located within a residential area of similar three-storey dwellings. The original dwelling was a family sized home and had its own private rear outside space. The proposal includes a ground floor flat, with access to the small rear garden and an upper duplex flat. The external appearance of the appeal building remains largely the same and similar to other properties in the area. Although these appear to be primarily family sized homes, the activities arising from the provision of one additional (net) dwelling would not be particularly noticeable, given the relatively high density residential nature of the area.
9. Policy LP5 of the Redbridge Local Plan 2015-2030 (2018) (the Local Plan) seeks to ensure the housing stock provides for a range of dwelling sizes. It focuses on the provision of larger family-sized homes that are three bedrooms or more. The Council has stated that the updated Strategic Housing Market Assessment (2023) confirms that there is a greater need for three-bedroom dwellings in the Borough. Local Plan Policy LP6 supports the conversion of larger homes into small self-contained units where six criteria are met.

10. The appeal site is not located within a metropolitan, district or local centre required by Local Plan Policy LP6 a). However, the site is in an accessible location close to services and facilities and is in a suitable location for new residents. The proposal provides a larger home through the provision of a three-bedroom unit on the upper floors. However, being located on the upper floor without a dedicated rear garden would not meet the definition of a larger family sized home as set out in Policy LP6 f) of the Local Plan.
11. Given that larger homes are more likely to be occupied by families the lack of access to any private outdoor space within this suburban residential location would be harmful to residents living conditions and their wellbeing. Harm would also arise from the conflict with the Council's housing strategy, which through Policies LP5 and LP6 of the Local Plan seek to secure an appropriate range of housing, focusing on the provision of larger family sized homes.
12. Although referred to within the first reason for refusal the Council has not clearly identified how the proposal would harm the character of the area. Therefore, the proposal would not conflict with Local Plan Policy LP6 c) in this regard. Nor have I have identified any conflict with Local Plan Policy LP26. This policy, among other provisions, requires development to take opportunities to improve an area's character and the way it functions.
13. I conclude that the proposal would not secure a range of homes in Redbridge and would harmfully reduce the supply of larger family sized homes. There is conflict with the requirements of Local Plan Policy LP5 and Policy LP6. Together, these policies seek, amongst other things, to ensure creation of mixed, inclusive and sustainable communities through the retention or suitable replacement of the stock of larger family sized dwellings.

Living conditions

14. Together Policies LP26 and LP29 of the Local Plan and D6 of the London Plan seek high standards of quality for housing including adequate external amenity space for all dwellings. Policy D6 of the London Plan and the Nationally Described Space standards (NDSS) set minimum internal floor space and room sizes. The aims of these policies reflect the guidance within the Framework at paragraph 135, to ensure that development is inclusive and accessible promoting health and well-being, with a high standard of amenity for existing and future users.
15. Notwithstanding the current occupancy of the ground floor unit, the proposal would provide over 39 square metres (m²). This unit as proposed would meet the minimum NDSS Gross Internal Area (GIA) and that of London Plan Policy D6 for a one-bedroom one person unit.
16. The upper floor unit is over two floors. The appellant's Design and Access Statement and the submitted drawings describe a three-bedroom four-person unit. At 87.2m² the size of the unit would meet the overall NDSS and London Plan Policy D6 room sizes for that level of accommodation.
17. Nevertheless, the room annotated as 'Bed 3' on the submitted drawings falls short of the single bedroom size. Although the appellant says that it would be too small to be a bedroom and would consequently be used for a study or storage, the room could reasonably accommodate a single bed and furniture.

It would not be reasonably possible to control and monitor whether the dwelling was occupied as a four or five-person dwelling.

18. The internal area of the dwelling would be around 5m² short of the NDSS and London Plan Policy D6 room size for a three-bedroom, five-person unit. This would be a significant shortfall. Whilst the unit is dual aspect, the open plan nature of the space and internal arrangement of the stairs would limit the potential for circulation space, living room and dining furniture and would feel cramped. I find that it would provide inadequate internal space overall to meet the needs of future residents should this dwelling be occupied as a five-person dwelling. Thus it would be detrimental to current and future occupants living conditions.
19. Although a private enclosed garden exists at the rear of the appeal property this is for the exclusive use of the ground floor flat. The upper flat has no access to its own outdoor space. The open spaces referred to by the appellant are attractive and close to the appeal site, but they are green pedestrian routes rather than communal gardens. The spaces and pathways largely run at the rear of homes and are very overlooked. These open spaces would not be particularly functional for outdoor play or normal activities such as sitting out or drying washing. No private and immediate space for a larger unit would result in unsatisfactory living conditions for current and future occupiers.
20. The appellant suggests that the lawful use of the appeal building as a single house is a relevant fallback position because this home would not have a garden that met current garden size standards. However, this is not sufficient to alter my view because those occupiers would still have their own small garden and private outdoor space.
21. The appellant also contends current occupiers have no concerns about the accommodation and are happy without the use and maintenance of a garden. However, that does not mean that it is satisfactory, and as the accommodation would permanently remain, the harmful effect would also affect future occupiers.
22. The Inspector in the allowed appeal decision at Swindon Close² found conflict with Local Plan Policies LP26 and LP29 relating to the provision of private external amenity space. However, although citing an off-site grassed bank and nearby open space could be used, the plans³ show there is some defensible amenity space for the first floor flat to the front of the building. Although not fully private, this seemingly also met the quantitative outside space standards as well as providing a garage for storage. That accommodation also proposed a smaller home, which is less likely to be occupied by families or generate the same requirements for outside space. Therefore, it is not sufficiently comparable to alter my findings.
23. On this issue I conclude that the proposed upper floor unit would not provide a suitable standard of accommodation for occupants in respect of internal and external space. The proposal conflicts with Policies LP6, LP26 and LP29 of the Local Plan and Policy D6 of the London Plan. Together these require high quality design with high standards of accommodation for housing in terms of

² Appeal Ref: APP/W5780/W/21/3266612

³ Proposed Floor Plans P01

size, arrangement of internal space and minimum amounts of private outdoor amenity space.

Highway safety

24. Policy LP23 of the Local Plan requires development to provide sufficient parking in accordance with London Plan policy T6. These are set in accordance with the Public Transport Accessibility Level (PTAL) rating to ensure new development is sustainable and existing residents can continue to park safely and efficiently.
25. Located in an area with a PTAL of '3' there is good access to a full range of shops, services, community facilities and Woodford Broadway rail station. These are capable of being accessed by walking along pavements with dropped kerbs. The route would be well lit by streetlights in the evening. There are shorter level routes along the landscaped pathways which are also lit and therefore provide reasonably quick and easy access to the shops, services and public transport.
26. With the site's accessibility in mind, and as the parking standards are maximum requirements, it is reasonable to conclude that the smaller unit could be occupied as car-free development. However, I cannot be certain that occupiers would not have a car, and it is possible that the proposal could result in some additional demand for on-street parking. This is because the forecourt in front of the property is not capable of accommodating two parking bays comfortably without restricting access to the front entrance, removing the planting bays and displacing refuse bins and cycle storage.
27. Parking is restricted on Glengall Road on Monday to Friday. Residents cannot reasonably be expected to move vehicles every weekday. I did observe a relatively quiet road environment during my weekday morning visit. However, I have not been provided with any substantive evidence regarding on-street parking or a parking survey which could ascertain parking availability when the afternoon weekday restriction ends, in the evenings, and at weekends. There are also numerous stretches on Glengall Road with double yellow lines further limiting space to park. These factors limit the weight I can give to the provision of safe, convenient, and available on-street parking.
28. Although an additional vehicle would not put severe strain on the existing highway network, the Framework at paragraph 114 seeks to ensure that development provides safe and suitable access to the site for all users. The absence of suitable parking arrangements could lead to an increased demand for indiscriminate on-street parking in the area and at the appeal site. This would be detrimental to highway safety for all road users trying to cross or manoeuvre vehicles, and occupiers who may be blocked from entering the appeal property or storing cycles and refuse.
29. I therefore conclude that the proposal would have an unacceptable effect on highway safety with particular regard to parking provision. There is conflict with the Policy LP6 and LP23 of the Local Plan and T6 of the London Plan. Together these seek to ensure development provides parking appropriate to its scale.

Cycle parking

30. Policy LP23 of the Local Plan and T5 of the London Plan require development to provide secure and accessible cycle parking. Sustainable transport through the promotion of cycling and secure cycle parking is also advanced within paragraph 108 of the Framework.
31. Any cycle parking in the location shown on the plans at the front of the property would result in shortening proposed car parking spaces significantly. This could unacceptably result in vehicles parking across the pavement. With the level of detail supplied, and the constrained space at the front of the site, I cannot be certain that a policy-compliant and safe cycle store is capable of being provided at the front of the appeal site. Therefore a planning condition could not be used to secure this. Although cycle storage within the rear garden can be provided, harm is attributable for the failure of the proposal to support sustainable transport modes.
32. I conclude that the development would not make suitable provision for cycle storage. The development would be contrary to Policies LP6 and LP23 of the Local Plan and T5 of the London Plan. Together, these require development to provide secure and accessible cycle parking with the aim of reducing car ownership through promoting cycling.

Personal circumstances

33. I have had due regard to the HRA which establishes a right to respect for private and family life. The best interests of the child must be a primary consideration. These interests are at the forefront of my mind. However, these are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
34. I have also had due regard to the PSED contained in Section 149 of the Act, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. The Act sets out the relevant protected characteristics which includes age, pregnancy and maternity. Since there is the potential for my decision to affect persons with the protected characteristics, I have had due regard to the three equality principles set out in Section 149 of the Act.
35. Although the young children who reside in the current accommodation at the appeal property are not of school age, they may access nearby early years provision or schools at a later date. Having a settled base, in an area which has public transport, shops, services and facilities allows access to these and employment and would allow both families to live in a stable environment. Whilst the evidence before me is limited and sensitive, persons having medical treatment and those who provide support could be caused additional strain by potentially moving further away from any health centre or hospital providing treatment. The resulting upheaval could be stressful and affect the well-being, health, and stability of a settled family home life for the occupants of both units which would not be in the best interests of the children. These matters weigh in favour of the proposal.

36. However, the evidence does not demonstrate that other accommodation would not be obtainable, or that other options have been fully explored should the appeal fail. It is also a possibility that existing occupiers could or would need to leave the accommodation, because three persons are currently live in a one-bedroom unit. Whether both families would need to leave the property as a result of this appeal would be a decision for the Council, when considering any such enforcement action, as would any timescale.
37. Furthermore, the proposal would result in site specific unacceptable harm in respect of the living conditions of existing and future occupiers, highway safety, lack of cycle storage and the loss of a family sized home.
38. These matters temper the weight to be attached to the personal circumstance of existing occupiers. To conclude, in this instance, I attach moderate weight in favour of the appeal arising from the personal circumstance of existing occupiers.

Other Matters

39. The appeal site is within the zone of influence of the Epping Forest SAC, afforded protection under the Regulations. The appellant has made a financial contribution to mitigate the increased recreational pressure from the proposal in accordance with the Epping Forest Special Area of Conservation Mitigation Strategy. The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. I have not been provided with the Epping Forest Special Area of Conservation Mitigation Strategy. The financial contributions could constitute mitigation toward maintaining the integrity of the Epping Forest SAC, thus fulfilling the requirements of Local Plan Policy LP39 to provide adequate compensatory measures.

Planning Balance and Conclusion

40. The proposal is not in accordance with the numerous policies of the development plan. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise. Paragraph 11 d) of the Framework is engaged due to the Council's Housing Delivery Test results. Therefore, the economic, social and environmental benefits must also be weighed against the adverse impacts of the proposal.
41. I have had due regard to the HRA, the best interests of the children and the PSED. The personal circumstances of the occupiers carry moderate weight in favour of the appeal. To allow the appeal would not be wholly in the best interests of the children as the internal layout of the development, combined with the limited garden space, does not provide an acceptable standard of accommodation. Nor would it eliminate discrimination or promote equality of opportunity. Given the larger size of the upper floor unit, this is more likely to be occupied by families with children. Having regard to the legitimate and well-established planning policy aims of ensuring suitable living conditions for existing and future occupiers, highway safety, the provision of a range of homes, a refusal of permission would be proportionate and necessary.

42. The proposal is not within a metropolitan, district or local centre. However, this is outweighed by the benefits of the development which provide one additional dwelling in an accessible location. The proposal would make a quick contribution to the council's housing land supply through the provision of a small site, which is supported by the London Plan. There would be economic benefits from residents using shops and facilities in the area. On the other hand the upper floor three-bedroom unit would not be a suitable replacement for the loss of the larger sized family home, for which there is also an identified need in the borough. As such the weight to be attributed to one (net) dwelling, due to the scale of the development is small and I only attribute little weight in favour of the development.
43. Mitigation has been provided for the Epping Forest SAC. The absence of harm upon neighbouring residents living conditions, the character and appearance of the area, the ground floor unit's internal and external space and cycle storage are also neutral factors within the planning balance.
44. The proposal would not provide acceptable living conditions for existing and future occupiers in respect of internal and external space for the upper floor unit. Nor would it provide policy compliance car parking and cycle storage. These conflicts carry significant weight.
45. Overall, in the final balance I conclude that the cumulative harms and related policy conflict identified significantly and demonstrably outweigh the benefits, including those attributable to existing occupiers. Therefore, there are no other material considerations that indicate that I take a decision other than in accordance with the development plan. It is proportionate and necessary to dismiss the appeal for the reasons that I have set out.

K Williams

INSPECTOR