



Appeal Decision

Site visit made on 4 November 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2024

Appeal Ref: APP/W5780/W/24/3344432

Flat 3, 4 Wellwood Road, Seven Kings, Ilford IG3 8TR

- 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 Amit Rayrella against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0567/24.
 - The development proposed is described as 'a first-floor part rear extension with a flat roof, a new dormer to the rear of the loft space with a Juliet balcony and x2 windows. X4 roof windows to the loft front. The formation of X2 one-person one-bedroom flats on the first floor and X1 one-person one-bedroom flat in converted loft (second floor) to replace existing X1 four-Bedroom split level flat over the first floor and loft space.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form as there is no evidence that the appellant agreed to that included on the Council's decision notice.
3. 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 confirmed receipt of a payment for mitigation of the proposal's impact in accordance with the Epping Forest SAC Mitigation Strategy¹. It advises that the payment would suitably address the third reason for refusal set out on its decision notice. I return to this later in my decision.

Main Issue

4. The main issues of this appeal are, i) whether the proposal would result in the unacceptable loss of a family-sized dwelling, and ii) whether the proposal would provide suitable living conditions for the future occupiers of the proposed flats with particular regard to external space.

Reasons

Loss of a Family-Sized Dwelling

5. The appeal site comprises a 2-storey mid terrace property which has been subdivided into 3 flats. The upper floor flat currently comprises 3/4 bedrooms

¹ Email from the Council to the Planning Inspectorate dated 31 October 2024.

including a room in the roof and has no private external amenity space. It would be subdivided into 2 one bedroomed flats on the first floor with one studio flat contained in the roof. The conversion would be facilitated by a proposed first floor rear extension and a box dormer window.

6. Policy GG4 of the London Plan (LP) 2021 seeks to ensure more homes are delivered that meet high standards of design and provide for identified needs. Policies LP5 and LP6 of the Redbridge Local Plan (RLP) 2018 in combination, seek to ensure that the Borough's housing stock provides for a range of housing needs and sizes, with a particular focus on the provision of larger family-sized homes that are of 3 bedrooms or more.
7. Policy LP6 of the RLP supports the conversion of larger homes into smaller self-contained units, subject to compliance with 6 criteria. The site is not located within a Metropolitan, District or Local Centre. However, the Council considers that the locational criteria of Policy LP6(1)(a) is now out of date due to the housing delivery figures for the borough, a matter I will come back to later in my decision.
8. Criterion 1(f) of Policy LP6 requires conversions to provide at least one larger family sized home of 74sqm and a minimum of 3 bedrooms on the ground floor, with access to a dedicated rear garden. Such provision would offset the loss of a larger dwelling. In this case, the proposal relates to a building that has already been converted into separate units and the application site excludes the existing ground floor flats. I acknowledge that the appellant does not wish to alter the ground floor flats but nonetheless, they have not attempted to provide a family unit elsewhere within the conversion proposal. I also note that the existing upper floor flat does not have any private outdoor amenity space. However, due to its size and number of bedrooms it is family-sized and therefore could be occupied by a family.
9. Subdivision of the existing upper floor flat into smaller units would therefore lead to an overall loss of family-sized accommodation, which the Outer North East London Strategic Housing Market Assessment (2016) identified a significant need for. This is reiterated in the Havering and Redbridge Local Housing Needs Assessment Update (HNAU) 2023 which identifies that 77.4% of market housing is required to be 3+ bedrooms, compared to 5.9% of 1 bedroomed dwellings². Harm would therefore arise from the conflict with the Council's housing strategy.
10. The appellant suggests that the existing upper floor flat is difficult to rent as a family home as amongst other things, it has a small kitchen without a dining area and the loft bedroom is dark and enclosed. I see no reason why these matters could not be addressed by internal alterations including for example, the removal of internal walls or swapping the use of rooms. Whilst this would require investment, there is no compelling evidence to demonstrate that it would not generate an appropriate return, or that the property would continue to be difficult to rent.
11. I find that the proposal would not be located within a metropolitan district or local centre. It would also harmfully reduce the supply of larger family-sized homes and frustrate the RLP's stated aims of achieving a mixed housing offer. The proposal would therefore conflict with the requirements of Policy LP6(1)(a) and (f) of the RLP and Policy GG4 of the LP as set out above.

² Indicated in figure 80 of the Council's HNAU, rather than Figure 79 as quoted in the Council's officer report which relates to the neighbouring borough of Havering.

Living Conditions

12. Policy LP29 of the RLP seeks to ensure that new residential development is of a high quality with regard to the provision of space to meet the needs of future occupants. Criterion 1(a)(i) requires the minimum provision of 5sqm private external amenity space for a 1-2 person dwelling in a flatted development, that is compatible with the prevailing pattern in the surrounding area. It should be of an appropriate scale to maximise useability and to be of a functional and practical configuration to enable a range of reasonable activities. This requirement reflects the strategic standards for private outdoor space set out in Policy D6 of the LP.
13. No external amenity space is proposed for any of the 3 flats. The proposal would not therefore ensure that suitable external space is available to the future occupants for activities such as socialising outdoors, or gardening. The policy is clear that flatted developments are not excluded from the requirement to provide meaningful outdoor space.
14. Policy LP29 of the RLP does not make any provision for the lack of private amenity space to be offset or compensated for by compliance with the Nationally Described Space Standard (NDSS) for internal space, or the presence of nearby public open space including that at Westwood Recreation Ground and Bushy Lane Park. Public parks would not enable typical residential activities such as drying washing or private socialising such that it could be considered to make an equivalent compensatory provision.
15. Although the existing flat does not have any private amenity space, it does not justify perpetuating the lack of provision in new development. The value of private outdoor space to residents, particularly in urban locations like this should not be underestimated.
16. The proposed development, in failing to make suitable provision for external amenity space, would be harmful to the living conditions of the future occupiers. The proposal would conflict with Policy LP29 of the RLP as set out above and Policy D6 of the LP which aims to achieve high quality housing.

Other Matters

17. 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 SAC 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 Mitigation Strategy.
18. Furthermore, I have very limited, if any, information before me regarding what the alleged impact of the proposal on the SAC would be, how the proposed contribution was calculated, and how it would be spent. I acknowledge that the Council considers that the financial contribution which has been paid would constitute mitigation toward maintaining the integrity of the Epping Forest SAC, thus fulfilling the requirements of Policy LP39 of the RLP to provide adequate compensatory measures. If I were minded to allow the appeal, as the competent authority, 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. I will come back to this matter in the planning balance section below.

Planning Balance and Conclusion

19. The presumption in favour of sustainable development is engaged where the policies which are most important for determining the application are deemed out-of-date³. 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.
20. The Council has provided updated HDT figures indicating that the delivery of housing based on 2019-2022 performance is 50% of the annual housing target⁴. This is a significant undersupply. In such cases, Paragraph 11(d) states that permission should be granted unless (i) the application of policies in the National Planning Policy Framework (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.
21. The Framework seeks to significantly boost housing supply and highlights that small sites can make important contributions to housing requirements. Paragraph 123 of the Framework also promotes the effective use of land in meeting the need for homes. However, whilst the delivery of housing is important, it is not development at any cost. Even though the tilted balance applies, the need for family-sized housing has not gone away.
22. The proposed development would be contrary to Policies LP6 and LP29 of the RLP and D6 of the London Plan, given that it would result in the loss of a family-sized dwelling and that the replacement accommodation would not have sufficient external space to provide high quality living conditions for the future occupants. These policies are consistent with the Framework which seeks to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community, as well as creating a high standard of amenity for future users. As a result, I give significant weight to this conflict.
23. The proposal would provide social benefits through the addition of 2 (net) dwellings to the housing stock in an accessible location, close to public transport links. There would be economic benefits arising from future occupiers using local shops and services, as well as council tax revenue. Whilst the provision of housing in an area that is underperforming in terms of housing supply is important, it would be at the expense of losing a family-sized dwelling that is considered most in need. It would also be of a substandard quality in terms of external space. These benefits when taken cumulatively would be modest.
24. The lack of objection with regard to car parking, noise and disturbance and the character and appearance of the area are neutral matters that weigh neither for, nor against, the proposal.
25. Consequently, the adverse impacts of granting permission including the policy conflict identified, would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development. The policies of the Framework do not

³ Paragraph 11(d) of the National Planning Policy Framework.

⁴ As set out in the Council's email to the Planning Inspectorate dated 16 October 2024.

outweigh the conflict with the development plan, and I am therefore led to a dismissal of the appeal.

26. I am referred to an appeal decision that allowed the conversion of a dwelling to 2 flats elsewhere in the Redbridge borough⁵. The Inspector found conflict with Local Plan Policies LP6, LP26 and LP29 relating to the provision of 3+ bedroomed dwellings and private external amenity space. In this regard my findings are the same. However, that Inspector found that the benefits of that particular scheme were sufficient to outweigh the harm identified.
27. I have reached a different conclusion in light of the particular evidence before me for the reasons given, namely that allowing the loss of family-sized accommodation would cumulatively undermine the Council's housing strategy of providing larger family-sized homes. In this regard my findings are consistent with the appeal decisions cited by the Council including APP/W5780/W/21/3275097 and APP/W5780/W/22/3295789 for which I was the Inspector and therefore familiar with the evidence presented.
28. As I am dismissing the appeal, I am not required to undertake an appropriate assessment in respect of the effect of the development on the SAC, as it would not lead me to a different conclusion.
29. The appeal is dismissed.

M Clowes

INSPECTOR

⁵ Appeal reference APP/W5780/W/21/3266612 for development at 10 Swindon Close, Seven Kings, Ilford.