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| Reference: | 18/00342/UNAU_B | |
| Ward: | Kursaal | |
| Breach of Control: | Change of use from dwellinghouse (Class C3) to two self-contained flats (Class C3) | |
| Address: | 72 Boscombe Road, Southend-On-Sea, Essex, SS2 4JP | |
| Case opened : | 29 th October 2018 | |
| Case Officer: | Hayley Thompson | |
| Recommendation: | AUTHORISE ENFORCEMENT ACTION | |



1 Site location and description

- 1.1 This site is on the southern side of Boscombe Road between its junctions with Bournemouth Park Road and Christchurch Road. The site contains a former 5 bedroomed end of terrace two storey residential dwellinghouse.
- 1.2 The site is located within a residential street which contains predominantly two storey terraced dwelling houses and some semi-detached dwelling houses. The neighbouring attached property is a former dwelling house that was converted into 3 flats in 1985, which pre dates the National Planning Policy Framework, the Council's Core Strategy and Development Management Document and the adoption of the National Technical Housing Standards. The non-attached property to the west is a workshop and premises. The wider surrounding area is predominantly residential.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

3 Relevant Planning History

- 3.1 18/02326/FUL - Convert dwellinghouse into two self-contained flats and form cycle and bin store – Application refused 6th February 2019
- 3.2 19/00021/REFN - Convert dwellinghouse into two self-contained flats and form cycle and bin stores – Appeal dismissed 6th August 2019

4 The alleged planning breach and the harm caused

- 4.1 The conversion from a single family dwellinghouse to two self-contained flats would involve the loss of a former 5 bedroomed single family dwellinghouse for which there is a demonstrable need within the Borough. The identified harm is not outweighed by public benefits including the provision of additional housing. The conversion fails to safeguard an adequate stock of single family houses contrary to planning policy that identifies an above average supply of 1 and 2 bedroom houses.

5 Background and efforts to resolve breach to date

- 5.1 In October 2018 an enforcement case was raised following a visit by enforcement staff to the site and it was found that the dwelling had been converted without planning permission.
- 5.2 A Planning application was submitted in December 2018, reference 18/02326/FUL, and it was refused on the following ground:

01 The proposed development would result in the loss of a single family dwelling, for which there is demonstrable need within the Borough. The development is therefore unacceptable and contrary to National Planning Policy Framework and Policy CP8 of the Core Strategy (2007).

- 5.3 An appeal was received in May 2019, reference 19/00021/REFN, and was dismissed. The inspectorate concluded that:

“...the change of use would have an unacceptable effect on the housing mix in the area. It would therefore be contrary to policy CP8 of the Core Strategy as I find that the loss of a single family dwellinghouse is unacceptable. Similarly, it does not comply with the National Planning Policy Framework which seeks to provide housing for different groups in the community.”

- 5.4 No further planning application has been submitted to date in order to seek to overcome the reason for refusal of the retrospective planning application.

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

- 6.1 The officer's report for planning application 18/02326/FUL setting out the reason for refusal is attached at Appendix 1.
- 6.2 The appeal decision 19/00021/REFN is attached at Appendix 2.
- 6.3 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action to require the unauthorised use as two self-contained flats to cease.

7 Recommendation

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to require:
a) cessation of the unauthorised use of the site as two self-contained flats.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the cessation of the use.

Appendix 1 – Officer Report application reference 18/02326/FUL

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|-----------------------------|----------------------------------------------------------------------------------------------------|
| Reference: | 18/02326/FUL |
| Ward: | Kursaal |
| Proposal: | Convert dwellinghouse into two self-contained flats and form cycle and bin stores (Retrospective). |
| Address: | 72 Boscombe Road, Southend-On-Sea, Essex, SS2 4JP |
| Applicant: | Mr Ozcan Hassan |
| Agent: | Miss Amelia Robson Re Development Consultancy Services |
| Consultation Expiry: | 28/01/2019 |
| Expiry Date: | 06/02/2019 |
| Case Officer: | Scott Davison |
| Plan Nos: | RE/123GA/17/2 Existing & RE/123GA/17/2 Proposed 1 |
| Recommendation: | REFUSE PLANNING PERMISSION |

1.0 The Proposal

- 1.1 The application seeks retrospective planning permission for the conversion of a former dwelling house into two self-contained flats. The application form states that the change of use of the premises commenced on 1 October 2016 and was completed on 1 November 2016. The Valuation Office Agency rated the site as ground floor flat at 72 Boscombe Road and first floor at 72 Boscombe Road for Council Tax purposes with the change effective from July 2017. The application is retrospective and has been submitted following an enforcement investigation (Ref: 18/00342UNAU_B).
- 1.2 The proposal would not result in any external alterations to the building. The existing front entrance provides access to a lobby area and access to both flats.
- 1.3 The resultant residential accommodation at ground floor is a one bedroom flat with a floor area of 79 square metres. The bedroom measures 16 (sqm) square metres in area. The flat contains a living room, lounge kitchen, WC-bathroom.
- 1.4 The first floor flat has two bedrooms, a living room, WC, bathroom, kitchen and study area. The first floor flat has a floor area of 91 sqm metres and the bedrooms would measure 17 sqm (bedroom 1) and 11.7 sqm (bedroom 2).
- 1.5 To the rear of the ground floor is an amenity area that is laid to lawn and is described as a shared amenity space that measures some 104 sqm. A secure bike store and a bin store are shown on the submitted plans for the two proposed flats. No parking is provided for the proposed flats.

2.0 Site and Surroundings

- 2.1 The site is on the southern side of Boscombe Road between its junctions with Bournemouth Park Road and Christchurch Road. The site contains a former 5 bedroomed end of terrace two storey residential dwellinghouse. There is an alleyway to the side of the dwelling that enables access to the rear of the dwelling.
- 2.2 The site is located within a residential street which contains predominantly two storey terraced dwelling houses and some semi-detached dwelling houses. The neighbouring attached property is a former dwelling house that was converted into 3 flats in 1985, (reference: 85/1416) which pre dates the NPPF, the Council's Core Strategy and Development Management Document and the adoption of the National Technical Housing Standards. The non-attached property to the west is a workshop and premises. The wider surrounding area is predominantly residential.
- 2.3 The site is not located within a conservation area or subject to any site specific planning policies.

3.0 Planning Considerations

- 3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, any impact on neighbours, standard of accommodation

for future occupiers, sustainability, highways and parking implications and CIL (Community Infrastructure Levy).

4.0 Appraisal

National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP2, CP3, CP4, CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide (2009)

- 4.1 Amongst other policies to support sustainable development, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes. Policy KP2 of the Core Strategy requires that “all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”. Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 4.2 As part of its Strategic Housing Land Availability Assessment (SHLAA) 2017 update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has an 8 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

- 4.3 Policy DM3 paragraph 2.41 of the Development Management Document states:

“The conversion of existing single dwellings into self-contained flats (in combination with a rise in provision of new build flats) over the last 20 years has led to a higher proportion of 1-bed and 2-bed dwellings in Southend. Indeed, the Thames Gateway South Essex (TGSE) Strategic Housing Market Assessment (SHMA) 2013 identifies that Southend has a higher proportion of flats/maisonettes (36%) relative to the English average and other authorities within the TGSE housing market area (ranging from 9% in Castle Point to 23% in Thurrock). Furthermore, Southend has a housing stock comprised of a greater proportion of 1-bed units (20% in Southend in contrast to an average of 11% across the other TGSE local authority areas) and a higher level of smaller properties (less than 50sqm), a consequence of which is that there is a lower percentage of accommodation of a suitable size for families in Southend, (52% 3+bed dwellings compared to an average of 61% 3+bed dwellings across the other TGSE local authority areas)”. This position is supported in the updated SHMA published in May 2017.

- 4.4 Paragraph 2.42 of Policy DM3 goes on to state:

“The conversion of existing dwellings can, where appropriately justified, be an effective way of meeting local housing demand and offer opportunities for enhanced sustainability through retrofitting, as set out within Policy DM2. Nonetheless, conversions of single dwellings to more than one self-contained unit can also give rise to a number of problems within an area. These include contributing to pressure on on-street parking capacity, changes in the social and physical character and function of an area. It is also important that

conversions do not result in a poor quality internal environment that detrimentally impacts upon the intended occupiers' quality of life".

- 4.5 Policy DM3 of the Development Management Document states that *"The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:*
(i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and
(ii) Will not harm the character and appearance of the existing building or wider area; and
(iii) Will not lead to a detrimental change of a street's function; and
(iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15".

- 4.6 The detailed design considerations will be discussed in detail below;

- 4.7 Policy CP8 of the Core Strategy (Part 2) states: *"Residential development proposals will be expected to contribute to local housing needs, including affordable and special needs provision, and the sustainable use of land and resources. To achieve this, the Borough Council will:*

2. resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas".

- 4.8 The proposed conversion to two self-contained flats would involve the loss of a former 5 bedroomed dwellinghouse in an area with viable demand for single family dwellinghouses. The proposed conversion fails to safeguard adequate stock of a single family house contrary to policy CP8 and policy DM7 of the Development Management Document that identifies an above average supply of 1 and 2 bedroom houses.

Design and Impact on the Character of the Area

NPPF; Core Strategy (2007) Policies KP2 and CP4; Policies DM1 & DM3 of the Development Management Document (2015) and the Design & Townscape Guide (2009)

- 4.9 Development Management Document Policy DM1 states that development should *"add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."*
- 4.10 No alterations are proposed to the external elevations of the building. No changes are proposed to the front or rear garden areas save for the erection of a bin store and cycle store in the rear garden area. Given that there are no changes proposed to the external elevations of the building, the design and appearance of the building and the character of the proposal would respect the wider area.
- 4.11 The proposed change of use into two flats could however result in other change to

the building such as the use of different curtains at ground and first floor. In itself this is not considered to impact on the character of the area which already contains flats as part of a mixed housing stock.

- 4.12 The proposal is therefore acceptable and policy compliant in the above regards

Impact on Residential Amenity.

NPPF; Development Management Document (2015) Policies DM1 & DM3; Design & Townscape Guide (2009)

- 4.13 Paragraph 343 of The Design and Townscape Guide (2009), under the heading of Alterations and Additions to Existing Residential Buildings states, *amongst other criteria, that extensions and alterations must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.* Policy DM1 of the Development Management DPD also states that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*
- 4.14 The proposed layout of the flats would result in the rear bedroom of the first floor flat abutting the party wall of the attached neighbour however the proposed rear bedroom is shown as a bedroom on the existing layout. The ground floor kitchen is located below the first floor bedroom and whilst this relationship is not ideal, it is considered that planning conditions requiring soundproofing could be imposed if the proposal were otherwise acceptable in order to mitigate any potential harmful noise and disturbance. Subject to such a condition it is not considered the proposed conversion would harm the amenities of existing neighbouring occupiers in terms of loss of light or noise and disturbance nor would it result in a material loss of privacy or overlooking materially different from the relationships that already exist.
- 4.15 Subject to conditions the impact on residential amenity would therefore be acceptable and policy compliant.

Standard of Accommodation:

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document Policies (2015) DM1, DM3 and DM8 and the Design and Townscape Guide (2009).

- 4.16 The National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:
- **Minimum property size for a 1 bedroom, two person flat (1 storey dwelling) shall be 50 sqm with 1.5m sqm built in storage.**
 - **Minimum property size for a 2 bedroom, four person flat (1 storey dwelling) shall be 70 square metres with 2.0m built in storage.**

- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development and suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.17 The proposed residential units would be built to dimensions as set out in paragraphs 1.3 and 1.4 of the report and would comply with the abovementioned standards.
- 4.18 Policy DM8 states that the internal environment of all new dwellings must be high quality. It is considered that the proposed development would provide sufficient daylight and acceptable internal living environments for future occupants of each flat.
- 4.19 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. The proposed development would create two new two 2 bed flats, both of which would be capable of being occupied by two person households
- 4.20 The submitted plans show a shared rectangular shaped amenity area for the two flats to the rear of the dwelling measuring some 104 square metres. The ground

floor space would be directly accessed from the rear of the building for the ground floor flat. The area would not be directly accessible to occupants of the first floor flat from the rear of the building. Occupants would have to go around the front of the building and via the side alleyway to the amenity space which is not a positive aspect of the proposal. Nevertheless, it is judged that each flat would have access to a usable sized amenity space, capable of meeting day to day activities such as providing an outdoor sitting out space or for hanging out washing etc. The proposed amenity space would therefore be acceptable and policy compliant.

- 4.21 Facilities for refuse storage are shown on the submitted plans within the rear amenity space area. Refuse waste could be carried out along the access to the side of the dwelling for collection. This could be secured via condition were the application deemed otherwise acceptable.
- 4.22 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. It has not been demonstrated that the proposal would comply with these standards. It would however be possible to address this matter through the imposition of a planning condition were the application deemed otherwise acceptable.
- 4.23 Subject to conditions the impact on residential amenity would therefore be acceptable and policy compliant.

Highways and Transport Issues

National Planning Policy Framework, Policy KP2, CP3, CP4 and CP8 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009), Vehicle Crossing Policy & Application Guidance (2014)

- 4.24 Policy DM15 states that each flat at the site should be served by one parking space. However, policy DM15 also states that “Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.”
- 4.25 Policy DM15 states that a 2+ Bedroom Dwelling (house) should provide a minimum of two spaces per dwelling. There is no parking for the existing residential dwelling. The site is located within a sustainable location in relation to public transportation frequency and links along Southchurch Road and Southend East railway station.
- 4.26 On balance, it is not considered that parking conditions or highway safety would be materially harmed. Highways have raised no objection to the proposal. The proposal is acceptable and policy compliant in the above regards.
- 4.27 The submitted information shows a cycle storage area to the rear of the site. The area would not be directly accessible to occupants of the flat from the rear of the building. Occupants would have to go around the front of the building and via the

rear service road to the cycle storage facility which is not a positive aspect of the proposal. However this location would be physically accessible to all occupants of the flats and on balance, it is considered that the cycle parking aspect of the proposal is acceptable and policy compliant. This could be secured via condition were the application deemed otherwise acceptable.

- 4.28 The proposal is acceptable and policy compliant in the above regards.

Sustainability

NPPF, Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2 and the Design and Townscape Guide (2009).

- 4.29 Policy DM2 (iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.” Details have not been submitted for consideration with the application however this can be dealt with by condition were the application deemed otherwise acceptable.
- 4.30 No information has been submitted in relation to the provision of renewables on site. However, given that the proposal relates to the conversion of an existing building and no extension/addition to this building are proposed, it is not considered reasonable to require the proposal to accord with those standards.

Community Infrastructure Levy

- 4.31 This application is CIL liable and there will be a CIL charge payable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

5.0 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The proposed development would result in the loss of a single family dwelling, for which there is demonstrable need within the Borough. The identified harm is not outweighed by public benefits including the provision of additional housing. For the above reasons, the proposed development is unacceptable and fails to comply with planning policy

6.0 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision) KP1 (Spatial Strategy) and KP2 (Development Principles).

- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.4 Community Infrastructure Levy Charging Schedule (2015)
- 6.5 Design & Townscape Guide (2009).
- 6.6 Strategic Housing Market Assessment (SHMA) 2017 update.

7.0 Consultation Responses

Public Consultation

- 7.1 26 neighbours were notified. No letters of objection have been received.

8.0 Relevant Planning History

- 8.1 No relevant history

9.0 Recommendation

REFUSE PLANNING PERMISSION

- 01 The proposed development would result in the loss of a single family dwelling, for which there is demonstrable need within the Borough. The development is therefore unacceptable and contrary to National Planning Policy Framework and Policy CP8 of the Core Strategy (2007).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The detailed analysis is set out in a report on the application prepared by officers.



The Planning Inspectorate

Appeal Decision

Site visit made on 22 July 2019 by **M**

Chalk BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/D1590/W/19/3228480 72 Boscombe Road, Southend-On-Sea, SS2 4JP

- 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 Mr Ozcan Hassan against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/02326/FUL, dated 7 December 2018, was refused by notice dated 6 February 2019.
 - The development is described as retrospective conversion of dwellinghouse into 2 no flats at 72 Boscombe Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form states that the development was completed in November 2016. At the time of my site visit both the ground floor and first floor flats were occupied. I have therefore determined this appeal on this basis.
3. The appellant has provided a revised floor plan (ref RE/123GA/17/2 Proposed 1, letter dated 9 May 2019) that was submitted with the appeal. This alters the proposed layout of the ground floor flat from a 1 bedroom flat with a lounge and living room to a 2 bedroom flat with a lounge. I am satisfied that this is a minor change as it would not increase the overall amount of living accommodation and it would not involve any physical works. In addition, the Council and interested parties have had the opportunity to comment upon this amended plan during the course of the appeal through their submission. Accordingly the interests of no party has been prejudiced and so I have taken it into account in my decision.

Main Issue

4. The main issue is the effect of the change of use on the housing mix in the area.

Reasons

5. The appeal property is a two-storey former dwellinghouse converted into flats. This section of Boscombe Road, between the junctions with Bournemouth Park Road and Christchurch Road, is a residential street characterised by a mix of mainly terraced houses, with some detached and semi-detached properties.

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Properties within this section of the street are set back from the pavement with front gardens, some of which provide off-street parking.

6. The appeal development has created two units of accommodation through the conversion of a five-bedroom house. The resultant flats each contain 2 bedrooms, and due to the number of bedrooms the flats do not reasonably comprise suitably-sized family accommodation.
7. The Council refused permission for the development on the basis of policy CP8 of its Core Strategy 2007 (CS), which says it will resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwelling-houses, and to protect the character of residential areas.
8. The Council's decision is based on data that shows a disproportionately high number of 1 and 2 bedroom homes and a low number of 3+ bedroom homes suitable for family accommodation in the borough compared to surrounding councils in the Thames Gateway South Essex strategic housing market. This is referred to in the supporting text for policy DM3 of the Development Management Document (adopted July 2015).
9. The appellant has referred to other flat conversions within the street, including the neighbouring attached property. I have not been provided with the details of these properties, including whether planning permission was granted for any conversions to flats.
10. My attention has been drawn to a recent appeal decision¹ in which this point was considered. The Inspector concluded that policy CP8 was not to be taken as an absolute restriction on the conversion of existing dwellings, given that policy DM3 specifically sets out criteria under which permission would be given.
11. While I do not necessarily disagree with that Inspector over the application of policy CP8, I have considered the development subject of the appeal before me on its own site circumstances and merits.
12. I consider policy CP8 to be the correct starting place in determining this appeal. No substantive evidence has been submitted to show that the identified need to safeguard an adequate stock of single family dwellinghouses in the borough has been addressed. The loss of a family dwellinghouse providing 5 bedrooms to provide 2 two-bedroom units of which type the borough already has a disproportionately high provision, based on the information before me, would only worsen the shortfall.
13. The appellant states that the conversion meets the Council's space standards, provides an acceptable environment, shared amenity space and cycle parking for occupants, does not result in harm to the character and appearance of the building and wider area and the property is in a sustainable location in relation to public transport and local amenities. I acknowledge these points, but do not consider that they outweigh the harm arising from the loss of family accommodation.
14. I conclude that the change of use would have an unacceptable effect on the housing mix in the area. It would therefore be contrary to policy CP8 of the CS,

¹ Inspectorate ref APP/D1590/W/18/3204489

as I find that the loss of a single family dwellinghouse is unacceptable. Similarly, it does not comply with the National Planning Policy Framework which seeks to provide housing for different groups in the community.

Conclusion

15. For the reasons set out above, and having regard to all matters raised, the appeal should be dismissed.

M Chalk

Inspector

Appendix 3 – Site photograph

