

# THE DEVELOPMENT CONTROL BOARD

28 July & 3 Aug 2004

## REPORT FROM THE TOWN PLANNING MANAGER

<b>Flat conversions and the loss of family housing</b>		<b>FOR INFORMATION</b>	
<i>No funding implications</i>			
<b>Summary</b>  Members of both Development Control Boards have expressed concerns that there seems to be an increase in the number of 3/4 bedroom houses that are being converted into 1 and 2 bedroom flats in the Borough. It is considered that this is resulting in a loss of family housing and that the accommodation being provided is of poor quality and detrimental to the overall quality of the environment. The purpose of this report is to quantify the scale of the problem and to assess the effectiveness of current policy with a view to future review.			
<b>Recommendation</b>  The Development Control Board is requested to note this report			
<b>Ward Affected – All</b>			
<b>Reason</b> To assist the Council in achieving its Community Priorities of, <i>Improving health, housing and social care, promoting equal opportunities and celebrating diversity and raising pride in the Borough</i>			
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### 1. Introduction

Due to the continuing rise in house prices and the number of persons who are buying premises to let for profit, the Borough has seen an increase in planning applications for flat conversions. Members will recall that this type of application was very common in the last housing boom, which saw planning applications for conversions to one and two bedroom flats becoming very prevalent. This time round there are two distinct differences in the situation. Firstly, the thrust of Government Policy is to allow conversions where possible and secondly the loss of the protective covenants on former Council Houses means that there are applications for conversions in areas which previously were protected.

However we also now have an adopted UDP Policy which allows the Local Planning Authority to refuse applications which do not comply, and have a reasonable chance of successfully defending them on appeal.

Both Development Control Boards have noticed an increase in flat conversion applications and have expressed concerns over the loss of family housing and the standard of accommodation being provided. This has resulted in Members being minded to overturn the Officers recommendation for approval. Whilst Members concerns are understood this is problematical as the decisions are then contrary to the Councils own UDP Policies. The Government is committed to a plan led system and this is given statutory force by S.54A of the Town & Country Planning Act 1990. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. This means that a developer should be reasonably confident of receiving planning permission if his or her application meets the UDP Policies. Any appeal against a refusal for an application which meets policy is almost certainly going to be successful and is likely to result in costs against the Council.

This report will set out the current trends in applications, re iterate the current policy and compare it to adjoining Boroughs and advise Members of their options to alter the current policy.

## **2 Background**

Attached to this report is a copy of the Councils Flat Conversion Policy H.10. This basically gives 6 criteria regarding conversions and covers the number in any one street, car parking and front gardens, internal floorspace standards, refuse collection and amenity space. The plan acknowledges the need for low cost units but also states that it is necessary to ensure that reasonable stocks of small/medium sized family dwellings are retained. This is the purpose of H.10(i) which states that flat conversions should not exceed more than 10% of properties in the street and no two adjacent properties should be converted.

The London Borough of Havering's policy is less strict and only requires that a flat be of 'adequate size and be self contained with a reasonable outlook.' It also requires 'a private sitting out area'. The London Borough of Newham's Policy differs again and will allow conversions of premises with an original gross floor area of over 120m<sup>2</sup>; provided that parking is available on site or sufficient off site capacity exists. Four Wards in Newham have been identified as saturated. That is some streets have more than 25% of the premises converted to flats. In these areas only streets with less than 25% are considered suitable for further conversions. The London Borough of Redbridge Policy allows for conversions of premises over 125 m<sup>2</sup> floor area or where such a conversion would regularise an existing situation of multiple occupation. They also have amenity space and parking requirements similar to our own.

As can be seen this Borough's Policy is actually more restrictive in many ways than our neighbours and is the only one which actually contains minimum floor space standards for individual units. As a result the figures relating to the conversion of houses to flats are revealing.

In 2003 there were 23 such applications of which 6 were approved, 4 withdrawn and 13 refused. This equates to only a 26% success rate.

This year we have received 31 applications for conversion of houses. Despite this increase we have approved 5, refused 13, 6 have been withdrawn and 7 are pending. These 7 include those deferred from DCB. Whilst the number of applications has increased the success rate has decreased to 21.19%.

### **3 Analysis**

Given these figures it would be difficult to justify the refusal of an application solely on the grounds of the loss of 3/4 bedroom houses, provided that all other policy requirements are met. Such refusals will result in lost appeals. This is of particular relevance in respect of the new Best Value Performance Indicator that will judge the Council on the number of successful appeals which is considered to be a guide to the quality of decision making. Also of relevance are the Council's existing Best value Performance indicators BVPI 109 which relates to the number of applications dealt with within the required timescales. Flat conversions should be resolved within 8 weeks and the current trend for deferral to refuse or for site visits means that most will go over this result. Planning BVPI's are critical to the amount of Planning Delivery Grant received from Government and, more critically, to the overall grading of the Council. Members are therefore requested to consider carefully the ramifications of refusing applications on conversions contrary to Officer recommendation.

In return Members' concerns will be recognised and applications will be required to accord strictly to policy and this will include the requirement that access to amenity space will be required for both flats, which will make conversion of mid terrace premises very difficult.

The number of applications is, at present, quite low and although the figure is increasing, there is time to re assess the current policy in a more measured manner. Planning Policy for the purposes of determining an application is only given substantial weight on appeal if it has been the subject of a full public consultation exercise prior to formal adoption. A revised policy approved by DCB Members only does not have this required 'weight'. Inspectors determining an appeal will still return to the UDP policy and subsequent Government advice. Planning and Policy Guidance 3 – Housing, specifically mentions conversions as a source of additional housing stock. In Para 14 it states that Local Authorities should promote conversions by taking a more flexible approach to Development Plan standards with regard to densities, car parking, amenity space and overlooking. (Para 41). This approach is also reflected by the London Plan in the drive for 30,000 additional homes per year in the capital. Both these documents post date the Unitary Development Plan and would be given significant weight on appeal. Appeals against refusals may still be successful given this support from Central Government, but if it can be shown that the policy is infringed costs can normally be avoided.

Following from this it is felt that a revised policy can be included as part of the ongoing work around the new Local Development Frameworks which replace the UDP. As this will require full consultation this may take some time but will ensure that any changes or strengthening of the Policy is done in such a manner that it has the weight required for appeal purposes.